REPORT

OF

THE COMMISSIONERS

APPOINTED TO INQUIRE INTO

OVER-REGULATION PAYMENTS ON PROMOTION IN THE ARMY;

WITH

MINUTES OF EVIDENCE AND APPENDIX.

Presented to both Houses of Parliament by Command of Her Majesty.

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Shri Brihad Bhartiya Samaj

on 31 October, 2019

COMMISSION.

VICTORIA R.

Victoria, by the Grace of God of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith.

To Our right trusty and well-beloved Councillor Sir George Grey, Baronet, Knight Grand Cross of Our most Honourable Order of the Bath.

To Our right trusty and well-beloved Cousin and Councillor William Reginald Earl of Devon.

To Our right trusty and well-beloved Councillor Lieutenant-General Jonathan Peel.

To Our right trusty and well-beloved Councillor George Ward Hunt, Esquire.

To Our trusty and well-beloved Sir William Milbourne James, Knight, Vice-Chancellor.

To Our trusty and well-beloved Sir James Yorke Scarlett, Knight Grand Cross of the most Honourable Order of the Bath, Lieutenant-General of Our Forces.

To Our trusty and well-beloved Thomas M. Steele, Esquire, Companion of the most Honourable Order of the Bath, Major-General in Our Army.

To Our trusty and well-beloved Samuel Whitbread, Esquire.

To Our trusty and well-beloved Philip Henry Muntz, Esquire.

Whereas it is alleged that, in those Corps in Our Army in which Regimental Promotions are made by Purchase, a practice exists of paying in respect of promotions, and of receiving in respect of retirements, sums in excess of those sanctioned by Our Royal Warrant dated the 3rd February 1866.

And whereas We have deemed it expedient that a Commission should forthwith issue to inquire into and report upon the said alleged practice, together with any incidents of the legalized purchase system which may be found to be connected with the same.

Now know Ye, that We, reposing great trust and confidence in your zeal, discretion, and ability, have authorized and appointed, and do by these Presents authorize and appoint, you the said Sir George Grey, William Reginald Earl of Devon, Jonathan Peel, George Ward Hunt, Sir William Milbourne James, Sir James Yorke Scarlett, Thomas M. Steele, Samuel Whitbread, and Philip Henry Muntz, or any Three or more of you, to be Our Commissioners for making the inquiry aforesaid. And We do hereby authorize and empower you Our said Commissioners, or any Three or more of you, to obtain information thereupon by the examination of all persons most competent by reason of their knowledge, habits, or experience, to afford it; and also by calling for all documents, papers, and records which may appear to you, or any Three or more of you, calculated to assist your researches, and to promote the formation of a sound judgment on the subject.

And We do hereby require and command you, or any Three or more of you, to report to Us, under your hands and seals, with all convenient speed:

The extent and manner in which the said practice may have been carried on.

The incidents of the practice, and the circumstances under which the person who may have paid any such sum has been accustomed to receive the like sum back on the sale of his commission, or otherwise, and the circumstances under which the sum paid has been irrecoverable.

The degree of recognition which this practice may have received from any of Our public departments or officers, and how far any statutes which now or heretofore may have prohibited the said practice, and any Royal Warrants and Regulations affecting the same, have been actually enforced.

And generally to report upon the facts of the whole case.

And We will and command, and by these Presents ordain, that this Our Commission shall continue in full force and virtue, and that you Our said Commissioners, or any Three or more of you, may from time to time proceed in the execution thereof, although the same be not continued from time to time by adjournment.

And for your assistance in the due execution of these Presents, We have made choice of Our trusty and well-beloved Ralph Henry Knox, esquire, to be Secretary to this Our Commission, and to attend you, whose service and assistance We require you to use from time to time as occasion shall require.

In witness whereof we have caused these Our Letters to be made patent.

Given at Our Court at Windsor Castle this 5th day of April 1870, and in the 33rd Year of Our Reign.

By Her Majesty's Command.

EDWARD CARDWELL.

REPORT.

On entering on the duty intrusted to us by Your Majesty we found that the subject of our inquiry had incidentally come under the notice of several former Royal Commissions, and also of Select Committees of the House of Commons, and that some evidence had been received by them bearing directly on the question referred to us.*

We have availed ourselves of this evidence, and we have also examined witnesses conversant with the practice in the army as to the sale and purchase of commissions, including several military officers, who tendered to us evidence both as to their own experience of the general practice and as to the manner in which they felt their personal interests to be affected by it.

We have also had before us copies of several papers which have been laid before the House of Commons, containing reports of a War Office committee on a portion of the evidence given before the Royal Commission on the Purchase and Sale of Commissions in 1857, and also copies of official correspondence between the War Department and the Treasury from 1857 to 1860, into which the question of the over-regulation price paid for commissions largely enters. Parl. Paper 498 of 1858, Parl. Paper 71, 114, 172 of 1st Sess. 1859. Parl. Paper 210 of 2nd Sess. 1859. Parl. Paper 88 of 1860.

We thought it expedient in the first instance to ascertain the exact state of the law on the subject of our inquiry, and the terms of Royal Warrants and regulations bearing upon it.

A memorandum was drawn up by our secretary, which will be found in the Appendix to our Report, containing a summary of the law and of the rules and regulations as to the purchase and sale of commissions which have from time to time been in force since the sale of commissions was first sanctioned by the Crown. Appendix I.

No statute law on the subject appears to have been enacted until the year 1807. But in the first regulations by which the prices of commissions were fixed by Royal authority, bearing date the 27th February $17\frac{19}{20}$, it was ordered:— Appendix I.

"That whatever officer shall desire leave to sell shall be obliged to resign his "commission at the rates and on the conditions hereafter mentioned, to which end the "seller is not to be admitted to interfere in any manner whatsoever in the recommendation of his successor;" and "every officer desiring leave to dispose of his "commission shall sign such his request, and that he is content to resign at the price "fixed, and lodge the same in the War Office, that a successor may be appointed by "His Majesty."

It will be observed that while those regulations do not contain an express prohibition of the payment of any sum in excess of the price fixed, the officer desiring to sell was required to resign at that price; and the regulations seem to have been framed with a view to prevent the introduction of a system of paying more than the price fixed by excluding the retiring officer from any interference whatever in the recommendation of his successor, whose appointment was to rest entirely with the Crown.

On a revision of the prices of commissions in 1766, by a board of general officers, a Royal Warrant was issued, bearing date the 10th February in that year, which contains the first express prohibition of the payment of any sum in excess of the regulation price. The Warrant, after reference to the report of the board, was in the following terms:—"We having been pleased to approve of the same, our will and pleasure is that "in all cases where we shall permit any of the commissions specified therein to be "sold, the sum to be paid for the same shall not exceed the prices set down in the "said report. And all colonels, agents, and others our military officers are hereby "required and directed to conform strictly and carefully to the regulation hereby laid "down and established upon pain of our highest displeasure." Appendix I.

Subsequent Royal Warrants in 1772 and 1773, approving of alterations in the prices of certain commissions, were expressed in similar terms.

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* Report of the Select Committee on Army and Navy Appointments, 1833.
Report of the Commissioners for inquiring into Naval and Military Promotion and Retirement, 1840.
Report of Commissioners for inquiring into the system of Purchase and Sale of Commissions in the Army, 1857.
Report of the Select Committee upon Military Organization, 1860.
Report of the Select Committee on Military Reserve Funds, 1867, 1868.

Appendix II.

In 1783 a general order was issued by the Commander-in-Chief, bearing date the 14th August in that year, the object of which appears to have been to enforce by more stringent rules the prohibition contained in the Royal Warrants against paying any sum in excess of the fixed prices of commissions.

It required every officer, in sending to his commanding officer his application in writing praying for His Majesty's leave to dispose of his commission at the regulated price, solemnly to declare on the word and honour of an officer and a gentleman that nothing beyond the price limited by His Majesty's regulations was stipulated or promised, directly or indirectly, and that no other mode of compensation or gratuity was in contemplation of the parties, or should be given or accepted in respect of such sale or purchase.

A similar declaration was required of the officer desiring to purchase, expressly pledging his word and honour as an officer and a gentleman that he would not, either then or at any future time, give by any means or in any shape whatever, directly or indirectly, any more than the regulated price.

The commanding officer of the regiment was further required to declare that he verily believed the established regulation with regard to price was intended to be strictly complied with, and that no clandestine bargain subsisted between the parties concerned.

The same mode was to be observed in cases of exchange from half pay to full pay, as well as of exchange from one corps to another.

The colonel or commanding officer was at the same time to transmit the names of such officers in the regiment as were willing to purchase in succession, and as he should recommend for that purpose; but when the officers recommended were not the eldest in their rank he was to signify his reasons why the senior officers were not recommended. The general order also contained the following words :—" His Majesty has by the advice " of his board of general officers been further pleased to declare his determination that " any officer who shall be found to have given or to have stipulated or promised, " directly or indirectly, to give anything beyond the regulated price, in disobedience " to these His Majesty's orders, or by any subterfuge or equivocation to have evaded " the same, and to have thereby shamefully forfeited his honour as an officer and a " gentleman, shall be dismissed from His Majesty's service."

In 1786 a circular letter, bearing date the 18th March of that year, was addressed by the Secretary at War to colonels of regiments, signifying the Royal pleasure that in future, when an officer was desirous of retiring from the service, either by sale of

Appendix I.

his commission or by exchange to the half pay, he should not make any stipulation in regard to the particular officer who should succeed him, but should be bound by his resignation to sell out or exchange in favour of such person as His Majesty should think fit to approve.

The reason given for this order was that it was evident that by leaving officers at liberty to select their own successors and by accepting their nominations, the business of military promotion had in too many instances been conducted in such a manner as to defeat the purposes of His Majesty's regulations, notwithstanding every endeavour of office to enforce their due and punctual observance.

No further alteration appears to have been made in the regulations till 1804, in which year two circular letters, bearing date respectively the 28th September and 19th October 1804, were addressed by order of the Commander-in-Chief, the former to army agents with reference to a secret traffic as to commissions carried on with officers of the army by persons styling themselves army brokers; the latter to commanding officers of regiments, transmitting for their information and guidance a paper containing directions to be thenceforth exactly observed in the purchase and sale of all commissions, according to His Majesty's regulations.

The following are extracts from this paper, which was signed by the Military Secretary :—" His Majesty's regulations in regard to the sums to be given and received " for commissions in the army having in various instances been disregarded, to the " great prejudice of His Majesty's service, His Royal Highness the Commander-in- " Chief is pleased to direct that when an officer is desirous of retiring from the service " and of having leave to sell his commission, he is to send in his resignation in the " usual manner through the commanding officer of his regiment to the colonel, who " in transmitting the same to the Commander-in-Chief may at the same time, if there " are purchasers in the corps, recommend in succession the seniors of their respective " ranks for purchase, both the colonel and commanding officer certifying that they " are satisfied that no more than the sum stipulated by His Majesty's regulations is " given or received." " In causing these orders to be circulated to the army the

" Commander-in-Chief thinks proper to declare that any officer who shall be found " to have given directly or indirectly anything beyond the regulated price, in dis- " obedience to His Majesty's orders, or to have attempted to evade the regulations " in any manner whatever, will be reported by the Commander-in-Chief to His " Majesty, in order that he may be removed from the service; and it is also to be " understood that the prescribed forms of application for the sale and purchase of " commissions and the usual certificates annexed thereto are in all instances to be " complied with."

Down to the year 1807 the prohibition of payments in excess of the regulated price rested entirely on Royal Warrants and regulations. In that year a clause was inserted in the Mutiny Act (47 Geo. 3. c. 32. s. 97.), which was in the following terms:—

" And whereas great inconvenience has arisen to His Majesty's service from persons, not authorised agents of regiments, troops, or companies, negotiating for the purchase and sale of commissions, and much larger sums than are allowed by His Majesty's regulations are often given and received for commissions, and great frauds committed; be it therefore enacted, that every person not an authorised agent of any regiment, troop, or company, who shall negotiate or act as agent for or in relation to the purchase or sale of any commission in His Majesty's forces, and also every authorised agent as aforesaid, who shall take, accept, or receive any commission or sum of money or reward for negotiating the purchase or sale of such commission, or acting as an agent in relation thereto, shall forfeit for every such offence the sum of one hundred pounds, and treble the sum which shall be given or received for or in relation to any such commission, over and above the sum allowed by His Majesty's regulations."

It will be seen that this enactment applied only to persons not being authorised army agents negotiating for the purchase and sale of commissions, and to persons who, being authorised army agents, should receive any commission or reward for negotiating the purchase or sale of a commission. Although the preamble of the clause stated that much larger sums than are allowed by His Majesty's regulations were often given and received for commissions, and great frauds committed, the clause contained no express prohibition of the practice in question.

In 1809 the Act of 49 Geo. 3. c. 126. was passed. It was intituled "An Act for " the further prevention of the sale and brokerage of offices." By the 1st section of that Act the provisions of the Act of 5 & 6 Edw. 6. c. 16., intituled "An Act against " buying and selling of offices," were extended to all commissions, civil, naval, or military. By the 3rd section it was made a misdemeanor to sell or buy or to bargain or agree to sell or buy a commission or any nomination thereto or resignation thereof; and by the 4th section it was made a misdemeanor to receive or to pay or to agree to receive or pay money for any negotiation relating to any nomination to or resignation of a commission. The 7th section excepted from the operation of the Act any purchase, sale, or exchange of commissions in the army for such prices as should be fixed by regulation, and any act done in relation thereto by authorised army agents acting in conformity with regulations.

The 8th section directly applied to officers in His Majesty's forces, and was in the following terms:—

"Provided also, and be it further enacted, that every officer in His Majesty's forces, who shall take, accept, or receive, or pay, or agree to pay, any larger sum of money, directly or indirectly, than what is allowed by any regulations made by His Majesty in relation to the purchase, sale, or exchange of commissions in His Majesty's forces, or who shall pay, or cause to be paid, any sum of money to any agent or broker, or other person, for negotiating the purchase or sale or exchange of any such commission, shall, on being convicted thereof by a general court-martial, forfeit his commission, and be cashiered; and as an encouragement for the detection of such practices, such commission so forfeited shall be sold, and half the regulated value (not exceeding five hundred pounds) shall be paid to the informer, and the other half, or the remainder, if more than five hundred pounds, shall go and be applied as His Majesty shall order and direct by any regulations from time to time made in that behalf: Provided also, that every person who shall sell his commission in His Majesty's forces, and not continue to hold any commission in His Majesty's forces, and shall, upon or in relation to such sale, take, accept, or receive, directly or indirectly, any money, fee, gratuity, loan of money, reward, or profit, or any promise, agreement, covenant, contract, bond, or assurance, or shall by any device or means contract or agree to receive or have any money, fee, gratuity, loan of money, reward, or profit, beyond the regulated price or value of the commission sold, and also every person who shall wilfully or knowingly aid, abet, or assist such person therein, shall be deemed and adjudged guilty of a misdemeanor within the provisions of this Act."

A general order was issued to the army, dated 29th July 1809, circulating for the information and guidance of the officers of the army an extract from this Act, consisting of a copy of the 7th and 8th sections of it. Appendix I.

In 1815 the clause first inserted, as before stated, in the Mutiny Act in 1807, was replaced by another of wider scope and effect. It was in the following terms:—

"And whereas great inconvenience has arisen to His Majesty's service from persons, not being authorised agents of regiments, troops, or companies, negotiating for the purchase, sale, and exchange of commissions in His Majesty's forces, and much larger sums than are allowed by His Majesty's regulations are often given and received for commissions, and great frauds committed: Be it therefore enacted, that every person not being an authorised agent to some regiment, troop, or company of His Majesty's forces who shall negotiate or act as agent for or in relation to the purchase, sale, or exchange of any commission in His Majesty's forces, shall forfeit for every such offence the sum of one hundred pounds. And every person, whether authorised or not, as agent to some regiment, troop, or company, who shall take, accept, or receive any commission, sum of money, or reward for any negotiation relative to the purchase, sale, or exchange of any commission in His Majesty's forces, or who shall negotiate, bargain for, or receive for his own use, or for the use of any other person or persons, any sum of money or other consideration, above the amount of the price allowed by His Majesty's regulations for the purchase, sale, or exchange of any such commission, or any sum of money or other consideration where no price shall be allowed by His Majesty's regulations, shall for every such offence forfeit the sum of one hundred pounds, and treble the value of such sum of money or other consideration as he shall negotiate, bargain for, or receive above the amount of the price allowed by His Majesty's regulations for such commissions, in such cases where any price shall be allowed by His Majesty's regulations, or treble the value of the sum or other consideration negotiated, bargained for, or taken and received in such cases in which no price shall be allowed by His Majesty's regulations."

It will be observed that the terms of this clause embrace the exchange of any commission in Her Majesty's forces which was not included in the former clause, and that they extend to the negotiation, bargaining for, or receiving by, any person, whether authorised or not as agent, *for his own use* or for the use of any other person, of any sum of money or other consideration above the amount of price allowed by His Majesty's regulations.

In 1829 this clause in the Mutiny Act was again altered to the form in which it has ever since remained, and is to be found in the Mutiny Act (clause 78) of the present year.

It is now in the following terms:—

"Every person, not being an authorised army agent, who shall negotiate or act as agent for or in relation to the purchase, sale, or exchange of any commission in Her Majesty's army, shall forfeit for every such offence the sum of one hundred pounds; and every person, whether authorised as as army agent or not, who shall receive any money or reward in respect of any such purchase, sale, or exchange, or who shall negotiate or receive for any purpose whatsoever any money or consideration where no price is allowed by Her Majesty's regulations, or any money or consideration exceeding the amount so allowed, shall forfeit one hundred pounds, and treble the value of the consideration where the commission is not allowed to be sold, or treble the excess of such consideration beyond the regular price."

While the main provisions of the clause are similar to those of the clause in the Act of 1815, the words to which we have called attention in the clause in the Act of 1815, namely, "receiving for his own use or for the use of any other person," are omitted in the existing clause.

It appeared to us doubtful whether this clause applies, as the original clause of 1807 clearly did, exclusively to agents, or whether every person, including of course officers of the Army, is within its provisions. The construction of the clause in this respect is of importance, chiefly owing to the words contained in it, "who shall negotiate "or receive for *any purpose whatsoever* any money or consideration where no price "is allowed by His Majesty's regulations."

We therefore felt it our duty to request the Secretary of State to obtain the opinion of the law officers of the Crown on its true construction. That opinion has been transmitted to us by the Secretary of State, and is to the effect that although the terms of the clause are obscure, persons acting only as agents are meant, and that the clause does not apply to officers in the Army acting as principals.

To recur to regulations authorised by Royal authority we find that in 1821 a revised scale of prices for commissions was recommended in a report from a board of general officers, and approved by His Majesty on the 1st August 1821. The only remark we have to make upon this is that the form of approval differs from that adopted in 1766, and on several occasions subsequent to that year, no Royal Warrant having been issued as before, but the approval having been given in the following form:—

"Horse Guards, 1st August 1821.

"THE accompanying report of a board of general officers proposing an increase in the price of commissions in the army and alterations in the differences between full and half pay, is most humbly submitted to Your Majesty for Your Majesty's most gracious consideration and approval."

"Approved,

(Signed) "GEORGE R.

This alteration in the form of approval may account for the omission of any repetition of the expression of the Royal will and pleasure contained in the Royal Warrants, that the sums to be paid shall not exceed the sums set down in the report, and of the direction that all officers should conform strictly and carefully to the regulation upon pain of His Majesty's highest displeasure.

It is indeed obvious that no significance is to be attached to this omission, from the fact that in January 1822 a complete collection of general regulations and orders for the army was issued, which repeated the forms of declarations required to be made by officers in the General Order of 1783, and the regulations and instructions contained in the circular letter of 19th December 1804, and which also contained the extract from the Act of 1809 which was circulated by order of the Commander-in-Chief in July of that year for the information and guidance of officers of the army.

In little more than two years, however, after the issue of these regulations and orders, an important alteration was made in them. In a debate in the House of Commons on the Mutiny Bill in March 1824, an objection was taken to the regulation requiring officers to make the declarations imposed by the General Order of 1783, and by subsequent regulations, on the ground that "there was scarcely one case in ten in "which officers received their commissions at the regulated price," and that the declarations were useless. It was admitted on the part of the Government that where officers were exposed to a temptation to which they ought not to be subject, it was desirable that the declarations should be recalled. Hans. Parl. Deb., 2nd. S. Vol. 10.

On the 2nd April following His Majesty approved a memorandum submitted to him recommending the abolition of the forms and declarations hitherto required, and the substitution of new regulations for those by which the declarations were imposed. Appendix I.

The memorandum so approved by the King concluded with the following passage:—
"It is further most humbly submitted to Your Majesty that it shall be declared that "in all cases when the regulations shall appear to the Commander-in-Chief to have "been infringed or evaded, the promotion or exchange shall be at once cancelled, and "in all cases where proof can be obtained that the provisions of the Act, 49 Geo. 3. "c. 126. and the 134th clause of the Mutiny Act have been infringed, the Com-"mander-in-Chief will take measures for giving full effect to the penalties which "attach to such offence."

The regulations, as altered in accordance with this memorandum, were transmitted on the 5th of the same month by the Military Secretary to the Adjutant-General to be circulated to the army.

In the year 1837 a new edition of the King's Regulations was issued, but no alteration bearing on the subject of our inquiry was made, with the exception of the omission of two rules contained in the amended regulations of 1824, the first, that "when a "resignation was sent in it should be considered unconditional and irrevocable, and "that no successor was to be pointed out or recommended;" the other, "that can-"didates for the purchase of promotion out of their own corps should lodge the "purchase money without being acquainted in what regiment they were to obtain "the promotion, and that no application for the purchase of promotion which points "out the expected vacancy be admitted."

No further change appears to have taken place till 1866, when the prices of commissions, which up to that time had been promulgated by general orders issued by the Commander-in-Chief, were inserted in a Royal Warrant, regulating pay and promotion in the army.

By that warrant it was ordered that in the household cavalry, foot guards (up to the rank of captain and lieut.-colonel), purchase regiments of cavalry and infantry of the line, and colonial corps, or any other purchase corps, succession to a vacancy caused by an officer permitted to retire from the service by the sale of his commission shall be given to the senior qualified officer of the next grade who shall be prepared to purchase his promotion, and so on throughout the ranks below, unless it shall appear expedient to the Secretary of State for War and the Commander-in-Chief that the vacancy shall be otherwise filled; and it was also ordered that if a vacancy should arise by the promotion of an officer to the rank of major-general, or by the death of an officer, or from any cause producing a non-purchase vacancy (except augmentation), the promotions in the several ranks necessary to fill up the vacancy should, unless it should appear expedient to the Secretary of State for War and Commander-in-Chief that the vacancy be otherwise filled, be given to the senior qualified officer of each lower rank.

Article 80 of this Warrant prescribes "the prices which may be given for commis-"sions," but neither in the warrant itself nor in the Queen's Regulations issued in

1868, is there any express prohibition of the payment of sums in excess of the regulated prices for commissions, nor is there to be found either in the Warrant or Regulations the reference to the Act of 1809, which had been contained in all previous regulations subsequent to the passing of that Act.

The result of our inquiry on this branch of the subject is, that the payment and the receipt by officers of the Army of any sum in excess of the regulated price for the purchase, sale, or exchange of commissions is expressly prohibited by the Act of 49 Geo. 3. c. 126.

By the 8th section of that Act any officer who shall take, receive, or pay, or agree to pay any larger sum of money, directly or indirectly, than what is allowed by regulations in relation to the purchase, sale, or exchange of commissions in His Majesty's forces, is liable on conviction thereof by a general court-martial to forfeit his commission and be cashiered; and any officer who shall sell his commission, who shall upon or in relation to such sale take, accept, or receive, directly or indirectly any money, fee, gratuity, loan of money, reward, or profit, or any promise, agreement, covenant, contract, bond, or assurance, or shall by any device or means contract or agree to receive any money, fee, gratuity, loan of money, reward, or profit beyond the regulated price or value of the commission sold, and also any person who shall wilfully or knowingly aid, abet, or assist such person therein, is to be deemed and adjudged guilty of a misdemeanor.

It will be observed that the latter part of this section applies only to the sale, and not also, as the former part does, to the exchange of a commission; and that while the former part of the section subjects an officer to the forfeiture of his commission for paying or agreeing to pay, as well as receiving any sum in excess of regulation, the penalty of misdemeanor under the latter part of the clause in express terms attaches only to receiving.

On the other hand, not only the person receiving more than the regulated price of his commission, but also every person wilfully aiding, abetting, or assisting him therein, are equally to be adjudged guilty of a misdemeanor. The officer paying or agreeing to pay a sum in excess of the regulated price may probably be held to be included in these terms.

This section, moreover, being limited to the cases of the sale, purchase, and exchange of commissions, does not reach the case of the payment or receipt of money as an inducement to or in consideration of retirement on full or half pay, nor does it extend to cases of exchange between officers of the same regiment from one battalion of the regiment to another.

But a question as to the construction of the earlier sections of the Act of 49 Geo. 3. c. 126. having in a civil action come before the Court of Exchequer in 1855, the Court held that they applied to all commissions, including commissions in the army (the only exception being the sale and purchase of a commission at the regulated price), and that the resignation of a commission for a pecuniary consideration was rendered by the Act illegal and a misdemeanor. The Lord Chief Baron on that occasion said that an undertaking by an officer to give up his commission in a regiment in consideration of a sum of money promised to him for that purpose, was, in his opinion, an illegal transaction. "It is," he added, "a resignation within the 49 Geo. 3. c. 126., "which pronounces not only the sale, but also the resignation and the procuring the "resignation of any officer for money, to be illegal."

Greene *v.* Wroughton, 11 Exch. Reports, p. 146.

The Court of Common Pleas in 1862 concurred in this construction of the Act.

Eyre *v.* Forbes, Scott's C. B. Reports, p. 197.

The only other statutable enactment on the subject is the 78th clause of the Mutiny Act, which applies exclusively to persons acting as agents.

There is, therefore, at present in force no Royal Warrant or Regulation expressly prohibiting the practice in any of its forms, but the prices which may be given for commissions being fixed by the 80th section of the Royal Warrant of 1866 there is an implied prohibition in it against any larger sum being given for them, and the payment by officers of any larger sum, directly or indirectly, than what is allowed by that Warrant in relation to the purchase, sale, or exchange of commissions is expressly prohibited by the Act 49 Geo. 3. c. 126., s. 8., under very severe penalties.

The payment or receipt of money not allowed by regulation in respect of retirement where there is no sale or purchase of a commission, appears from the decisions above cited to be a misdemeanor under the provisions of the 49 Geo. 3. c. 126.

Before leaving this part of the subject it may be right to notice that while it seems to have been foreseen when the first Regulations fixing the price of commissions were framed that the only security against the payment of more than the regulated price, was the exclusion of the officer from any interference with the recommendation of his

successor, and while the circular letter of 1786 states that it was evident that by leaving officers to select their own successors, and by accepting their nominations, the business of military promotion had in too many instances been conducted in such a manner as to defeat the purposes of His Majesty's Regulations, notwithstanding every endeavour of office to enforce their due and punctual observance, the General Order of 1783 directed the Colonel or Commanding Officer of a regiment to transmit at the same time with the resignation of an officer, the names of such purchasing officers in the regiment as he should recommend, signifying his reasons if the seniors in their ranks were not recommended, and the circular letter of 19th October 1804 directed the commanding officer of a regiment in transmitting to the Commander-in-Chief the resignation of an officer to recommend at the same time in succession the seniors of the respective ranks for purchase.

By the Royal Warrant of 1866 it was expressly laid down that succession to a purchase vacancy should, as a general rule, be given to the senior qualified purchasing officer of the next grade, and that in the case of a non-purchase vacancy (except by augmentation) the promotion in the senior ranks necessary to fill up the vacancy should, as a general rule, be given to the senior qualified officer of each lower rank.

The system of regimental promotion having thus been established by Royal Warrant and Regulations an officer who retires under ordinary circumstances is necessarily informed of the officer who is to succeed him, and as the officers of the same regiment are in constant intercourse with each other an opportunity is of course given for a private bargain or arrangement.

In these transactions where one man has something of value to sell, which can legally be sold, and another man is desirous of purchasing it, the opportunity being afforded them of coming to a mutual understanding, it has been found useless, as will hereafter appear, to prescribe by law or regulation the precise terms on which the sale is to be effected.

Extent and Manner of the Practice.

We next proceeded to inquire into the extent and manner to and in which the practice of paying and receiving, in respect of promotions and retirements, sums in excess of those sanctioned by the Royal Warrant of 3rd February 1866, has been carried on, and into the incidents of that practice.

Of the existence of the practice throughout the whole of the corps in which regimental promotions are by purchase, we have received the clearest evidence. 252, 306, 1323, 1324.

We have been unable to ascertain by any direct proof when this practice began, but the language of the successive warrants, regulations, and orders to which we have referred is sufficient to show that at all events in the year 1766, and from that period to the present, the practice has been known to exist, and we have no reason to doubt that it prevailed from the time when the prices of commissions were first fixed in the year 1719–20.

Experience has shown that the most explicit prohibitions and the most stringent regulations have utterly failed to prevent or even check the practice.

We agree with the opinion expressed in the Report of the Royal Commission on Purchase and Sale of Commissions in the Army "that the regulations, although "stringently worded, with the addition of a severe penalty for their infraction, are "habitually neglected, and the price paid, except in the purchase of a first commission, "almost invariably exceeds the price fixed by authority."

There is, in fact, in the case of every commission after the first, a double value, the price fixed by regulation, and what is termed the regimental value, the latter consisting, in addition to the regulated price, of a sum varying as between the cavalry and infantry, and in some cases as between one regiment and another, both in the cavalry and infantry, but as thoroughly well known and understood, and nearly as fixed in each regiment as the regulation price.

In the brigade of household cavalry, for instance, the over-regulation price is about equal to the regulation price, making the regimental price double that which has been fixed by Royal Warrant.

In the brigade of foot guards there is a slight difference between the customary over-regulation price in the Coldstream regiment and the other two regiments, but in the latter the actual price paid for promotion by purchase from the rank of ensign and lieutenant to that of lieutenant and captain is 1,800*l.*, while the regulation price is only 850*l.*, and the over-regulation price paid for promotion by purchase from the rank of lieutenant and captain to that of captain and lieutenant-colonel is exactly equal to the regulation price, namely 2,750*l.*

We have received from Mr. C. Hammersley, representing the house of Messrs. Cox and Co., who are agents for 21 regiments of cavalry and 112 battalions of infantry, exclusive of the household cavalry and brigade of guards, the following statement, showing the regulation prices and the average over-regulation prices of commissions, both in the cavalry and infantry regiments, for which they are agents.

STATEMENT showing the Regulation Prices and Average Over-Regulation Prices in Cavalry Regiments of the Line.

——	Regulation.	Over-Regulation.	Total.
	£	£	£
Cornet - - - -	450	—	450
Lieutenant - - -	250	575	825
Captain - - - -	1,100	2,006	3,106
Major - - - -	1,400	1,600	3,000
Lieut.-Colonel - - -	1,300	1,794	3,094
	4,500	5,975	10,475

This calculation is independent of the sums recoverable from the Reserve Fund in cases where officers have paid the old cavalry rate.

STATEMENT showing the Regulation Prices and Average Over-Regulation Prices of Infantry Regiments of the Line.

——	Regulation.	Over-Regulation.	Total.
	£	£	£
Ensign - - - -	450	—	450
Lieutenant - - -	250	100	350
Captain - - - -	1,100	600	1,700
Major - - - -	1,400	800	2,200
Lieut.-Colonel - - -	1,300	1,000	2,300
	4,500	2,500	7,000

It appears from this statement that the average over-regulation price paid in the cavalry is considerably more than the regulation price, and that the aggregate average price of each commission, except the first, is consequently more than double the present regulation price.

In the infantry of the line the average over-regulation price is not so high as in the cavalry, but it amounts to about one-third of the aggregate price.

It deserves notice that the reduction made in 1860 of the price of all cavalry commissions to the same rate as that fixed by regulation for the infantry, has had no effect whatever on the amount of the over-regulation price. In the correspondence to which we referred in the beginning of our Report, between the War Department and the Treasury, the Secretary of State in a letter addressed to His Royal Highness the General Commanding-in-Chief, dated 11th November 1859, expressed a confident expectation that the reduction of the regulation price of the superior commissions in the cavalry would have the effect of causing, if not a corresponding reduction, still a very considerable reduction in what he termed the illegitimate price; while on the other hand, it was contended by the Treasury, in a letter dated 24th December 1859, that "inasmuch "as the illegitimate price of a commission is understood to be ruled not by any relation "to the authorised price, but by ordinary motives, it was difficult to be believed that "the reduction in the regulated price would lead to any corresponding fall in that "part of the aggregate price which had been added in order to bring up the payment "to the market value," and they apprehended on the contrary "that it might reasonably "be expected that, other circumstances remaining the same, the aggregate price would "remain the same, and that any depression of the regulated sum would cause an "equivalent enhancement of the rest."

Parl. Paper 88 of 1860.

Neither of these anticipations has as yet been confirmed by the result. We find that the aggregate price of the commission has been reduced by the difference between the former and the present regulation price, but that the over-regulation price continues exactly the same as before.

210, 215.

This, in our opinion, affords strong evidence of the force of the custom by which the amount of the over-regulation price is fixed.

In a few exceptional cases sums largely in excess of the customary rate have been paid for superior commissions. 265, 267.

A practice formerly existed of the purchase by an officer on full pay of a half-pay commission in the rank immediately superior to his own, the arrangement for the purchase being made between the full-pay and half-pay officer, the only condition attached to the sale being that the officer who sold his commission should settle in a colony. 1176, 1330–1332, 1334.

Large sums were in some instances given for the purchase of these commissions. The purchasing officer obtained a step of rank and afterwards was brought back to full pay by his appointment to a vacancy if he had had any distinguished service, or by an exchange with an officer on full pay, for which a bonus was given.

This practice was put a stop to in 1861. The permission to sell half-pay commissions in order to settle in a colony was at that time withdrawn, and officers on half pay who were fit for service were called upon either to serve or sell, the money for the purchase in case of sale being provided from the reserve fund. Appendix IV.

Although a system of selling half-pay promotion has to a certain extent been since re-established, the selection of the officers is now made entirely by the General Commanding-in-Chief, and the money paid for the purchase is credited to the reserve fund. As no private bargain or arrangement between a full and half pay officer is any longer possible, the officer who sells the half-pay commission can only obtain the regulation price of it. 1336.

The practice of paying to a retiring officer a sum in excess of what is allowed by regulation is not limited to the case of the sale of a commission

An officer is not allowed to sell a commission which he has not purchased, except in certain specified cases, unless he has served for 20 years on full pay. After 20 years' full-pay service an officer who may not have purchased any of his commissions is entitled to sell on the same terms as a purchasing officer. An officer who has served for more than three and less than 20 years, although he has not purchased any commission, is entitled on retirement to receive a sum equal to an allowance of 100*l.* or 50*l.* a year for every year of service, the amount depending on whether the service has been abroad or at home. 148, 149. Appendix III., sec. 84 of Warrant of 1866.

An officer retiring under these circumstances receives the amount of this allowance by regulation, and in addition to it he receives, according to the general custom, a sum equal to that which he would have received as over-regulation price if he had retired from the service by sale of his commission. 268, 270.

The amount paid in excess of the regulation price is said to have varied very little for many years, and to be perhaps rather less at present than it was before the last war. 1295, 1296.

Evidence of the extent to which the practice prevails is afforded by Mr. Hammersley's estimate of 3,577,325*l.* as the total sum at present invested by officers in their commissions in excess of the regulation price. 947, 948.

Besides the practice of paying sums in excess of the regulation prices of commissions, the practice also exists of paying a sum of money, though not authorised by any regulation, to induce an officer to retire on full or half pay, when by his retirement a step of promotion goes in the regiment, either with or without purchase. Appendix III., Warrant of March 1861, and sec. 90 of Warrant of 1866.

An officer is qualified to retire on full pay after 30 years' full-pay service, though he has not an unqualified right to do so. An officer after 25 years' full-pay service has an unqualified right to retire on half pay.

In the first case, as a general rule, the vacancy caused by the retirement is filled by promotion without purchase in the regiment. 126.

In the latter case the vacancy is, as a general rule, filled by promotion in the regiment by purchase, but the purchase money, that is the regulation price of the commission, is paid not to the retiring officer, but to the reserve fund. Appendix III., sec. 54 of Warrant of 1866.

In both cases it is the custom for the officer so retiring to receive a sum equal in amount to the sum which would have been paid to him in excess of the regulation price, if he had retired by sale of his commission. 110, 115, 303, 305, 391.

Although we are only instructed to inquire into the practice of paying in respect of promotions, and of receiving in respect of retirements, sums in excess of those sanctioned by regulation, we have received evidence as to the practice, also prohibited 234, 237.

by law, and which we find to exist generally in the army, of paying and receiving money not allowed by any regulation for an exchange of commissions.

137, 143. Such exchanges take place between officers of the guards and of the line, between officers of the cavalry and infantry, and between officers of one cavalry or infantry regiment with officers of another similar regiment.

237. In these cases no money can be legally paid or received in excess of the difference in value, if any, between the two commissions. Since the equalisation in the price of cavalry and infantry commissions this difference in the value of the commission exists only between the regiments of household cavalry and of the foot guards on the one hand and a regiment of the line on the other.

In the case of an exchange between an officer in the guards and an officer of another regiment, a sum greatly in excess of the difference in the value of the commissions is paid by the officer coming into the guards to the guards officer with whom he exchanges.

247, 251. Such exchanges are seldom allowed between officers of the rank of captain and lieutenant-colonel in the guards and a lieutenant-colonel in command of a regiment, but when they have been allowed, a very considerable sum has been paid.

Exchanges however are not infrequent between a captain in the army and a lieutenant and captain in the guards. The difference in the regulation value of the two commissions is 250*l.*, while the sum usually paid is about 2,000*l.* We had evidence of 2,500*l.* having in one instance been paid for such an exchange.

240. 841.

In other cases where there is no difference in the value of the commissions, money is paid by one officer to another in consideration of his exchanging, where from the part of the world in which a regiment is stationed, or from other circumstances, an officer is desirous of effecting an exchange.

The same thing takes place between officers exchanging from one battalion of the same regiment to another, and between officers in the Royal Artillery from one station to another, though as there is no exchange of commissions in such cases, the provisions of the law do not appear to be violated.

137, 141. 988.

The practice of paying money to an officer as an inducement to retire, where no sale of the commission takes place, and that of paying money not allowed by regulation in the case of exchanges, are not necessarily connected with the purchase system. They, in fact, prevail to a great extent in corps in which promotion is by seniority and without purchase.

254, 255. In the regiments added to the service on the amalgamation of the East India Company's army with that of the Queen's, and in which promotion is by seniority without purchase, the system prevails which formerly existed in the East India Company's army of buying out an officer or paying him a sum to induce him to retire.

1366–1392. In a recent case of the retirement of the senior major of one of the three non-purchase cavalry regiments the major received, in addition to the pension to which from length of service he was entitled from the East India Company, a sum of 3,500*l.*, made up by contributions from the officers junior to him in the regiment.

This sum is not paid, as in purchase corps, by those officers only who gain a step of rank by the retirement, but by all the officers who are willing to contribute, according to a scale of payments calculated with reference to the advantage gained by each officer from the retirement. In the event of any officer being unable or refusing to pay his share, the deficiency is made up by the other officers in proportion to their original payments.

1399. In the case also of exchange between officers of a purchase corps and officers of one of these non-purchase corps large sums are sometimes paid.

1402, 1405. In one instance in the same cavalry regiment 2,500*l.* was paid by a captain exchanging from that regiment to a captain who exchanged with him from a purchase cavalry corps, and 1,000*l.* was paid by a lieutenant for a similar exchange.

983, 363. The reason assigned for no such practice existing in the corps of Engineers or in the Royal Artillery is the magnitude of the corps, and the employment of the officers in stations widely separated, which interferes with anything like a private arrangement.

955, 959, 969. With a view, however, to accelerate promotion in the Royal Artillery a proposal was made about four years ago to establish a system of payments by each officer on his promotion, in order to create a fund to be applied in the payment of a bonus to induce officers to retire.

971. This proposal was assented to by a large number of officers, but has not as yet been acted on, owing to the expectation of more liberal terms of retirement than those hitherto offered being proposed by the Government.

The proposal itself was made publicly by an officer of high rank and with the full knowledge of the military authorities. 976.

We found some difficulty in ascertaining the precise manner in which payments in excess of the regulation price of commissions are made. Mr. Hammersley, though he showed every disposition to give us the fullest information which he could give, without compromising individual officers, or the house which he represented, naturally showed some reserve as to the manner in which the over-regulation price is paid. He admitted, however, that although the arrangements need not be, and in fact were not, made through the agents, as such, the over-regulation payment in the case of regiments for which they were agents was generally made through their house, though not entered in the same account with the amount lodged for the regulation price. 180, 181, 182.

It appears, in fact, to be made by the agents acting as private bankers, with no explanation asked or given of the purpose for which the money is paid, though they cannot fail to draw their own conclusions. 182.

Colonel Hardinge informed us that he believed the over-regulation price in the guards was invariably paid through the agents. 1256.

The over-regulation price is usually not paid until the promotion is gazetted, but the arrangements for the payment of it are made beforehand. In some cases very careful officers will not send in their papers till the extra money is lodged or a guarantee given for its payment, but this is said to be rather an unusual case of caution. 1298, 1299.

The over-regulation price in purchase regiments, like the regulation price, is paid by the respective officers who gain a step of promotion, but the proportion in which it is paid is not always the same as that in which the regulation price is paid. The proportion is said to vary a good deal in different regiments, and it is commonly the case that a richer officer pays more than his share. 204, 922. 232.

Incidents of the Practice.

The following appear to us to be the chief incidents of the practice:—

There can be no doubt that the high prices to which commissions are raised by this practice press with great severity on the less wealthy officers, who are in consequence frequently placed in a painful and invidious position. 71, 72.

No officer who is prepared to pay the regulation price for a commission can be passed over by a junior officer, but if he is unable to pay the additional price usually paid in the regiment, he must either borrow the money at serious inconvenience to himself, and probably at a high rate of interest, or withdraw his name from the list of purchasing officers, allowing a junior officer to pass over his head, or he must stop the promotion in the regiment. 58, 59.

In the latter case it is admitted, that except perhaps in the case of officers of long service, who are known to have very limited means, the position of the officer in the regiment becomes scarcely tolerable. 88, 225, 232, 100, &c.

The late General Sir John Macdonald, when Adjutant-general of the Army, in his evidence before the Royal Commission on Naval and Military Promotion and Retirement in 1838, said, "there is no member of a regimental society so unpopular as he who "proclaims his determination not to exceed the regulated price, thereby standing as an "obstacle to promotion by purchase in the regiment to which he belongs." Naval and Military Promotion Commission, 1840. Quest. 1912, 1924.

It is true that he also said, that "if an officer should make himself obnoxious on "that account, and that great unpopularity might attach to him, he having strictly "adhered to the regulation, and insisting on his right, is invariably supported by "the Commander-in-Chief."

The military secretary to His Royal Highness the General Commanding-in-Chief has informed us of what we cannot doubt, that the same course would now be adopted; but he has at the same time stated that no instance has occurred within his experience of an officer appealing to the Commander-in-Chief under such circumstances; nor can we be surprised that such should be the case. Every officer who enters the army in a purchase corps feels himself under an honourable, though tacit engagement to conform to the established custom of the regiment in respect of promotion and retirement, and if he were to endeavour to resist it, and were to appeal for support in so doing to the Commander-in-Chief, the inevitable result would be the destruction of the mutual confidence and good feeling between him and his brother officers, the maintenance of which is essential to the character, order, and efficiency of a regiment. 459, &c.

Another incident of the practice, is the great pecuniary advantage it confers on non-purchasing officers if they desire to retire from the army.

268, &c. We have mentioned above the rule by which an officer who has not purchased any one of his commissions, is entitled after 20 years' service to retire by sale of his commission on the same terms with officers who have purchased, and also the rule by which a non-purchasing officer, who has not served 20 years, on retiring after three years' service receives a regulated allowance according to his length of service.

In the first of these cases the retiring officer receives the full regimental value of his commission, including the usual over-regulation price; and in the latter he receives by custom, in addition to the regulated allowance, a sum equal to the usual amount of over-regulation price.

The officer thus in both cases carries with him on retirement a considerable and in some cases a large sum of money, which is an absolute gain to him, as he has not incurred any previous expenditure in respect of it.

Another incident of the practice is its effect in accelerating promotion.

One chief advantage of the purchase system is said to be that it facilitates the retirement of officers, and thereby accelerates promotion in the army. We believe that this result is in great measure due to the practice of paying more than the regulation price, and that if it were possible to restrict the sum payable to an officer for his commission on retirement to the regulation price, and to prevent any sum being paid to a retiring officer when nothing is allowed by regulation, there would be less inducement to officers to retire, and promotion would in consequence be slower than it is at present.

This incident of the practice is, though not in an equal degree, advantageous to the non-purchasing as well as the purchasing officer, as the more rapid the promotion in a regiment the greater are the chances of a non-purchasing officer obtaining a step of promotion.

1495. There is reason to believe that the advancement of a non-purchasing officer in a purchase regiment is quicker than that of an officer in a non-purchase corps, owing to the slower general rate of promotion in the latter.

Another incident of the practice should be noticed, though not of frequent occurrence.

508, &c. It is said that there have been cases in which an officer, not being able to obtain in his own regiment the price he required for his commission, has exchanged with a view to sale into another regiment where he knew he could obtain it. The effect of this would be to prevent the step caused by his subsequent retirement going by promotion in his former regiment.

No such exchange would be sanctioned by the Secretary of State or the Commander-in-Chief if he was aware of the object of it, and we are informed by the military secretary that with a view to check any such proceeding, applications from officers, soon after exchanging from one regiment to another, to sell their commissions, has in several instances been refused.

508. The usual practice is stated by him to be, that officers who exchange must serve for not less than six months in their respective regiments, but it is doubtful whether this time is sufficiently long to secure the object.

Another and not the least important incident of the practice is the habitual violation of the law by officers of all ranks under that of major-general, supported by long-established custom and unchecked by any authority.

There appears indeed to be no feeling of obligation to obey the law.

Mr. Hammersley, whose experience as an army agent extends over 30 years,

225. informed us that, although it often happened that officers refused to pay any excess on the regulation price, he had never heard of a difficulty as to such payment arising from

296. a scruple as to violating the Regulations or the law, the thing being so thoroughly understood and so common.

759, &c. One case only has been stated to us in which a refusal to pay more than the regulation price was alleged to be on principle. The objection in that case was made not by the officer himself, but by his father, who, though able to do so, refused to supply his son with the means of paying more than the regulation price.

In this case the money required to make up the deficiency was advanced to the officer as a loan by other officers of the regiment.

1562, &c. Another case of a refusal to pay more than the regulation price was brought before us in the evidence of Mr. Wood. This gentleman refused on behalf both of his son and

of his ward, who were subalterns in two cavalry regiments, to pay the over-regulation price which was demanded in the one case for a lieutenancy, in the other for a troop.

In the first case, the lieutenancy was purchased, though unknown to him, at a price beyond the regulation, the means having been procured from some other source. In the other case, the officer being prepared to pay the regulation price for his troop, no junior subaltern could purchase over his head, but two purchase vacancies for troops in the regiment having occurred, they were both filled by officers brought in one from the Military Train, the other from an infantry regiment, receiving each of them from the Reserve Fund the difference between the cavalry and infantry prices, namely 1,245*l*. 1587.

This refusal, which occurred ten years ago, was founded not on an objection to violate the law, but on an apprehension from circumstances which had then recently occurred that it was the intention of the Government to enforce the provisions of the law in the case of such payments. 1606.

On this apprehension being removed, the refusal was withdrawn, and the over-regulation price was paid for a troop, but not until the officer had lost about two years rank, promotion in the regiment having during that time been stopped. 1605. 1607. 1591.

As the facts of this case were brought fully to the knowledge of the War Department, we shall have occasion to refer to it again, as to its bearing on the question of the recognition of the practice.

THE CIRCUMSTANCES UNDER WHICH THE PERSON WHO MAY HAVE PAID ANY SUCH SUM HAS BEEN ACCUSTOMED TO RECEIVE THE LIKE SUM BACK AGAIN ON THE SALE OF HIS COMMISSION OR OTHERWISE, AND THE CIRCUMSTANCES UNDER WHICH THE SUM PAID HAS BEEN IRRECOVERABLE.

From what has been said as to the extent and manner of the practice, it is obvious that the sum paid by an officer on his promotion in excess of the regulation price is by the general custom of the army received back again by the officer, either on his promotion by purchase to a higher grade, or on his voluntary retirement while still holding a commission which is saleable. But the risk incurred of the loss of the money so paid will be seen to be great when we state the circumstances under which it is lost or is irrecoverable.

First, there is the case of death.

If an officer dies while holding a commission which he has purchased, the whole of what he has paid, whether according to regulation or in excess of it, is absolutely lost to his family. The only exception is the case of an officer killed in action or dying within six months of wounds received in face of the enemy. 107, 386.

By a Royal Warrant issued in 1856, the families of such officers are entitled under the circumstances therein mentioned to receive a sum equal to, but in no case exceeding the regulation price actually paid by the officer for the purchase of his commission or commissions. 387.

In this, however, as in other cases of death, all sums paid by the officer in excess of the regulation price are absolutely lost.

The next case is that of dismissal from the army, which involves the loss of all that an officer has paid for his commission.

If an officer, instead of being dismissed, is compelled to retire from the service, but is allowed to do so by the sale of his commission, he only receives the regulation price and loses whatever he may have paid in excess of it. The retirement being compulsory there is of course no opportunity for making a bargain, and the other officers of the regiment have no interest in paying him anything beyond the regulation price.

It is stated on good authority that there may have been instances where even under these circumstances the other officers concerned have been induced to make some arrangement for the profit of the retiring officer instead of taking advantage of it themselves. 514.

A vacancy caused by such compulsory retirement, however, is in many cases filled by an officer selected by the Commander-in-Chief from another regiment.

Another case in which the whole sum which has been paid for a commission or commissions is irrecoverable is that of the promotion of an officer to the rank of major-

509, 510. general on the fixed establishment. After such promotion he cannot recover back any portion of what he may have paid for his commissions.

430, 435. Another case in which the sum paid in excess of the regulation price of commissions may be irrecoverable, is that of a reduction in the establishment of a regiment.

1173. This may be effected either by placing the officers affected by the reduction on temporary half pay or by retaining them as supernumeraries of their respective grades with a view to the absorption of the commissions on the occurrence of vacancies.

1175. In the first case the officer placed on temporary half pay, though he may have purchased his commissions, is unable to recover any portion of what he has paid until he has got back again into a regiment on full pay.

In this case the power of recovering what he has paid may more correctly be said to be in suspense than to be lost, but the risk of absolute loss is of course increased by the inability of the officer while on half pay to realise what he has paid.

If moreover, as is usually the case, he can only get back on full pay by means of an exchange, he has to pay a large sum, though not allowed by any regulation, to the officer with whom he exchanges. This sum in the event of his subsequent retirement or promotion is irrecoverable, as it would not be taken into account in the amount he would, by custom, in that case receive.

In the case of the retention of officers as supernumeraries with a view to absorption, a different result follows.

This will best be shown by a reference to reductions recently made and to those now in progress.

In 1866 in order to effect a certain reduction in the establishment of regiments of
1620, 1621. the line, every alternate vacancy, whether purchase or non-purchase, in the grade affected by the reduction was absorbed, the other vacancy only being filled up in the usual way by promotion in the regiment.

1633. In the event of the absorption of a purchase vacancy, the officer retiring by the sale of his commission obtains only the regulation price for it, which is paid to him from the Reserve Fund.

In consequence of the recent decision to reduce cavalry regiments by one troop,
1010. and infantry regiments to ten companies, a large number of officers in different regiments are supernumeraries; and in order to indicate this their names are inserted in the Army List in italics. This is so with the second majors, one captain, and two subalterns of the cavalry regiments, and with two captains and several subalterns in the infantry regiments of the line affected by the reduction.

In respect of these officers the course at present adopted is that in the event of a purchase vacancy occurring in the regiment the promotion goes in the usual way,
1012, 1024. the effect of which is that the retiring officer, though there may be one or more supernumerary officers in his grade, is succeeded on the usual terms by the senior purchasing officer of the grade next below and receives the full regimental value of his commission, and so on throughout the regiment, the absorption and consequent reduction being effected by filling up only every alternate vacancy in the junior ranks so long as there are any supernumerary officers in those ranks.

1636. When the subalterns are reduced to the future establishment, it is intended that
1025, 1066. the absorption shall take place in the higher ranks.

In the case, however, of an officer retiring on permanent half pay, where there is a
1153. supernumerary of his rank the vacancy, though usually filled by purchase, is now absorbed.

In the case of non-purchase vacancies, every alternate vacancy only is filled up
1069, 1073. by promotion in the regiment, the other being absorbed in the highest rank affected by the vacancy in which there is a supernumerary officer.

In the event therefore of an officer retiring where the vacancy according to this rule is absorbed instead of being filled by promotion, he does not receive, in addition to the regulation price of his commission, the customary payment made to an officer on retiring, as no officer succeeds him. If he has obtained his commission by purchase he loses the sum which he may have paid in excess of the regulation price. If he has obtained his commission without purchase he equally loses the sum usually paid to an officer on retirement in excess of any allowance to which he is entitled by regulation.

Appendix VI. We have inserted in the Appendix a return obtained from the Horse Guards of the number of full pay commissions in purchase corps, which have been absorbed during the last five years, distinguishing purchase and non-purchase vacancies.

The brigade of foot guards is not affected by the general reduction now in progress in the army. Each battalion of guards consists only of ten companies, and as no

reduction is made in the number of these companies, there are no supernumerary captains or subalterns.

But it was decided in the early part of the year 1869 that a reduction should be made in the number of field officers in each regiment of guards, and that for this purpose the lieutenant-colonel in each of the three regiments should in addition to his other duties assume the command of one of the battalions, one of the mounted officers or majors being gradually reduced. Col. Hardinge's evidence.

In the regiment of Grenadier Guards this arrangement took place on the promotion of Prince Edward of Saxe Weimar to be major-general, which left a vacancy in the command of one of the battalions of that regiment. The lieutenant-colonel of the regiment took the command of the vacant battalion in addition to that of the regiment, and the vacancy in the rank of major was not filled up.

There has as yet been no opportunity of effecting the same arrangement in the other two regiments, and the case of the two officers, Colonel Stephenson and Colonel Hardinge, commanding respectively the regiments of Fusilier and Coldstream Guards, has been specially brought before us with reference to the manner in which their pecuniary interests are affected by the proposed reduction..

In each of these regiments the junior major has become a supernumerary, and in the event of a vacancy occurring by the retirement of either of the three field officers, the vacancy would not be filled up, but would be absorbed.

Colonel Stephenson and Colonel Hardinge might either of them retire by sale of his commission as captain and lieutenant-colonel in the regiment. They have also, each having served 25 years on full pay, an unqualified right to retire on half pay. Had they chosen to adopt either course before the present reduction had been decided on, they would have received in the first instance what is termed the full regimental value of their commissions, amounting in the case of Colonel Stephenson to 8,500*l.*, and in the case of Colonel Hardinge to 8,200*l.*, being an excess in the first case above the regulation price of 3,700*l.* and in the second case of 3,400*l.*

In the event of their having exercised the right to retire on half pay, they would have received a sum equal to the difference between the regimental value and the regulation price of their commission, as a step of promotion would have gone in the regiment.

Under present circumstances, as on the occurence of a vacancy in one of the three higher commissions, no promotion would take place in the regiment, they would on retirement, either by sale or on half pay, lose the sum representing the over-regulation price customarily paid, as it would not be the interest of any officer to pay it.

In the event of either of these officers retiring by the sale of his commission, the Secretary of State has offered to pay him the regulated price from the reserve-fund. Parl. Paper 165 of 1870.

The proposed reduction in the Guards affects these officers in a greater degree than the reduction affects officers in other regiments, to this extent, viz., that in the event of an officer in another regiment retiring by sale of his commission, promotion at present goes in the regiment, and the full regimental value of his commissions is obtained, so long as the absorption can take place in the junior ranks, whereas in the Guards the regulation price only would be received.

In the event of a retirement on half pay, there appears to be no distinction, as in neither case would the promotion go in the regiment.

But as the reduction in other regiments only affects officers in the cavalry below the rank of lieutenant-colonel, and in the infantry below the rank of major, there are probably very few, if any, of them who are entitled from length of service to retire on half pay.

We have stated the case of these two officers in detail, as it affords an instance of special circumstances, affecting their regiments only, under which an officer may be deprived of what he would under ordinary circumstances have received on retirement by sale of his commission or on half pay. 839, 841.

Until a vacancy takes place which would remove one of the field officers in these regiments, the interests of each of the mounted officers are affected in a similar manner. 853, 859, 889, 865.

In considering the circumstances under which the sum paid is irrecoverable, we must not omit to advert to the effect of a war on the price of commissions.

Nearly all that we have hitherto said must be understood to relate to the ordinary practice in time of peace. In time of war no officer belonging to a regiment actually in the field, or liable to be ordered to join the army in the field, is at liberty to retire, except under very special circumstances. In such regiments, therefore, retirement by 904, 905.

sale or on half pay is practically suspended; and where such retirement is permitted, owing to ill-health or any special circumstance, the retirement can scarcely be said to be voluntary, and the retiring officer would either receive nothing beyond the regulation price, or if the officer succeeding him should be induced by an honourable feeling not to take full advantage of the necessity in which the retiring officer was placed, the amount paid in excess of the regulation price would be depreciated.

Such was the case in the Guards, and no doubt in other regiments also, during the last war, but when peace was about to be made the former practice revived.

As a set-off, however, against the loss incurred by officers who have purchased their commissions, owing to their becoming unsaleable during a war, the greatly increased chances of promotion without purchase must be taken into account.

There are many officers who during the last war obtained promotion without purchase through the numerous casualties which occurred, and who have since realised, or are now able to realise, through length of service, the full regimental value of their commissions.

It is scarcely necessary to add that in the exceptional cases of unusually large sums, or what are termed "fancy prices," being given for commissions, the amount in excess of the ordinary over-regulation price cannot be reckoned on as recoverable.

Degree of Recognition which the Practice may have received.

We now come to the consideration of the last and most important branch of our inquiry, "the degree of recognition which the practice may have received from any "public departments or officers, and how far any statutes which now or heretofore "have prohibited the practice, and any Royal Warrants and Regulations affecting the "same have been actually enforced."

If by recognition is to be understood, "express sanction or approval," we have at once to say that we do not find that the practice has received any formal or official recognition.

79, 85, 448, 449. In the evidence given by official persons before former commissions and committees when the practice in question has incidentally formed the subject of examination as well as in the evidence of the same character which we have received, while the existence of the practice has been generally admitted as notorious, all official knowledge of it has been explicitly denied.

182, 449. On the one hand care is taken by the parties concerned that the payments are made in a manner to make any legal proof of them difficult, if not impossible.

452. On the other hand the military authorities appear to have uniformly acted on the principle that in the absence of strict legal proof of a violation of the law or regulations, they might claim to be regarded as ignorant of the practice, and in no degree responsible for its continuance.

We cannot limit our view to this narrow sense of the term "recognition."

We have felt it our duty to inquire whether the practice has received any degree of recognition, tacit or implied, from public departments or officers.

With this object we turn first to the inquiry how far the law or regulations prohibiting the practice have been actually enforced.

We have been unable to ascertain a single case in which an attempt has been made to enforce the provisions of the Act of 49 Geo. 3. c. 126., in respect of the payment of a sum in excess of the regulation price for the purchase, sale, or exchange of a commission, or for paying or receiving money for a resignation.

Neither have we found any instance in which a person, whether authorised or not as an army agent, has been subjected to a prosecution under that Act, or the Mutiny Act, for the offence of negotiating or being a party to such a transaction.

1642. The Solicitor to the War Department who has held that office for the last 12 years, has informed us that there has been no such prosecution in his time, and that the Solicitor to the Treasury, who formerly acted in those matters, has made a diligent search through his books without being able to find a trace of any such prosecution.

1653, 1654. Nor has the Solicitor to the War Department ever been instructed to ascertain whether there were materials for a prosecution in a case where over-regulation price was suspected to have been paid, or to investigate a case of that kind.

539, 540. The military secretary to the Commander-in-Chief recollects no instance in which proceedings have been taken to enforce the regulations which until 1868 prohibited the payment of over-regulation prices; and Mr. Hammersley says that he has known no instance of interference with the practice on the part of any authority.

The only two cases of which we have been able to find any record of interference on the part of the Commander-in-Chief for the purpose of enforcing the regulations occurred, the one in 1833 the other in 1834.

It is a significant fact as showing the prevailing feeling in the army on this subject, that in each of those cases the transaction was brought to the knowledge of the Commander-in-Chief, not by a complaint addressed to him of a violation of the law or regulations, but by a complaint of the non-fulfilment of the bargain or engagements made by an officer to pay money in excess of the regulation price.

In the first case the commanding officer of a regiment having signified his willingness to retire on a sum of 500*l.* beyond the regulation price being secured to him, the senior captain, lieutenant, and ensign agreed to make up this sum between them. After the retirement of the commanding officer the captain who obtained the majority refused to pay his share of the 500*l.* The promotions of all three officers were gazetted. 550 and following. 1107.

A complaint under these circumstances against the captain for refusing to fulfil his engagement appears to have been officially transmitted to the Commander-in-Chief through the major-general commanding on the station. 1133.

The Commander-in-Chief in his reply to the major-general, dated the 12th July 1833, after expressing his deep regret that "so gross an instance of irregularity should "have been brought under his notice" said, he felt at once the necessity of vindicating the rules and regulations of the service, and after consulting the Judge Advocate-General announced his intention to submit to His Majesty that the appointments of all the three officers should be cancelled, and that they should revert to their former commissions. 1195.

The appointments were accordingly cancelled, but not until the Gazette of the 13th September 1833. Another captain in the regiment having in the meantime retired, the promotions of the lieutenant and ensign to a company and lieutenancy appeared in the Gazette of the 27th of the same month. 563, 1134.

Those two officers, therefore, suffered comparatively little loss, while the only officer who materially suffered was the captain who had refused to fulfil his agreement, his commission as major having been cancelled, and the vacant majority filled up by an officer brought in from another regiment. 1106.

In the second case the complaint was preferred by a captain, after his retirement against the officer who had succeeded him, and who had not fulfilled his bargain to pay him 400*l.* beyond the regulation price.

The officer against whom the complaint was made was punished by being deprived of one year's rank in the Army, his commission as captain being dated the 6th July 1833, instead of the 6th July 1832.

The officer who made the complaint having quitted the Army, was no longer subject to the jurisdiction of the Commander-in-Chief, but he might have been indicted for a misdemeanor under the 49 Geo. 3. c. 126. We do not find that any such proceeding was taken against him.

As, however, since his retirement he had obtained the appointment of adjutant to a regiment of Militia, the facts of the case were brought by the Commander-in-Chief to the knowledge of the Secretary of State for the Home Department, under whom at that time the Militia was placed, and a correspondence with reference to the case took place between the Horse Guards and the Home Office, which will be found in the Appendix. The result was that practically the officer escaped with impunity. Appendix VIII.

These are probably the cases referred to by Sir John Macdonald in his evidence given before the Royal Commission on Naval and Military Promotion, in 1838, as proof that the practice had received no sanction at the Horse Guards.

We think it must have occurred to the officers concerned as well as to other officers to whom those proceedings were known, that the offence of agreeing to pay or receive more than the regulation price for a commission was not regarded as a very grave one by the military authorities, and that the officers likely to incur serious displeasure were those, who in addition to a breach of the regulations failed to fulfil an engagement of honour, though involving a violation of the law.

Passing from the inquiry as to how far the Law and any Royal Warrants and Regulations affecting the practice have been enforced, we proceed to consider the effect of the evidence before us, both oral and documentary, as affording an indication of the view taken of the practice by public departments and officers.

The first document to which we have to refer as evidence of the opinion of one of the highest military authorities, is a memorandum prepared by the Duke of Wellington Appendix VII.

for the Select Committee of the House of Commons on Army and Navy Appointments, in 1833, an extract from which we have placed in our Appendix.

It appears to us from the terms of this memorandum not only that the extensive prevalence of the practice of paying more than the regulation price for commissions was well known to the Duke, but that he thought the fact of such payments gave an officer an equitable claim to favourable consideration in fixing the amount of his pay.

Purchase Commission of 1857, 1794.

Again, the evidence given in 1856 by the late General Sir George Brown, before the Royal Commission on Purchase, tends to show the view taken of this question by a distinguished officer, who although not then holding any official position, had for 11 years held in succession the offices of Deputy-Adjutant-General and Adjutant-General of the Army.

Having spoken of the great outcry about officers giving more than the regulation price for commissions, Sir G. Brown defended the practice as one in which the public was not concerned, adding "it is rather an advantage; for an officer gets a better "inducement to quit, and it clears the way for the younger men who are coming up."

On being asked whether he thought it a consistent thing for a permanent system to exist under which an officer virtually succeeds to a commission by purchase in hardly any case without its being known privately that he has been violating the law, Sir G. Brown answered, "There is no law against it now; they never enforce the certificate "now."

Notwithstanding his long experience at the Horse Guards, he appears not even to have borne in mind the provisions of the Act of 49 Geo. 3. c. 126., so completely had they been considered as having no practical obligation.

Earl Grey was examined before the same Commission, and we refer to his evidence as bearing on this part of our inquiry, inasmuch as although Lord Grey did not at that time hold any office, he had previously held in succession for a considerable time the offices of Secretary at War and of Secretary of State for War and the Colonies. His opinion, therefore, could scarcely fail to have an influence on the minds of officers of the Army in judging of the view taken of the practice in question by public departments and officers.

Purchase Commission of 1857, 4046 and following.

Lord Grey considered that the abolition of the declaration formerly required of officers coupled with the habitual violation for many years of the then existing regulations, with the full knowledge of the military authorities and with no attempt to stop it, amounted to a virtual sanction of the practice,—and that if any new regulation was made for the good of the service affecting the value of the commissions, the vested interests established under the existing system were entitled to consideration.

We have inserted in an Appendix an extract from the evidence given by His Royal Highness the Duke of Cambridge on this subject before the Select Committee on Military Organisation in 1859.

Appendix IX.

We invite attention to that evidence, not only as proving the absence of any official knowledge on the part of His Royal Highness of the practice, but also as showing his opinion of the hopelessness of any attempt to check it by authority, although notoriously prevalent throughout the Army.

Parl. Paper 88 of 1860, p. 2.

A similar opinion was expressed by His Royal Highness in the official correspondence to which we have before referred between the War Departments and the Treasury. In reply to a request from the Secretary of State to be informed of the nature of the regulations which His Royal Highness would suggest for strictly enforcing the provisions of the Act of 49 Geo. 3. c. 126. He replied on the 12th July 1859, that the provisions of the enactment in question were as stringent as could be desired, and that he would be ready to carry them into effect in any case where the infringement of them should be brought to his knowledge, but that he was not prepared to adopt any additional regulations on the subject.

In a letter, forming part of the same correspondence, addressed by the War Department to the Treasury on the 23rd January 1860, the Secretary of State adverted to the distinction between moral and legal evidence, and expressed the following opinion:—

P. 11.

"The moral certainty which would justify the Commander-in-Chief in taking such a step as that of bringing in an officer from another regiment to purchase at the regulation price (a step which, though somewhat unusual, by no means exceeds the undoubted prerogative of the Commander-in-Chief), might yet be totally insufficient to bring forward as legal evidence of facts which called for the interposition of the law. The well-known difficulty of furnishing evidence in a court of law sufficient to prove the commission of even the simplest facts, would extend in an exaggerated degree to a transaction so secretly and confidentially conducted as the sale of a commission at an illegitimate price. At the same time, though it might be impossible to find legal evidence of the contravention of the law, it would be within the power of the Commander-in-Chief to obtain satisfactory information of the

fact, affording that moral certainty which in all practical matters is sufficient to act upon, and which would justify His Royal Highness in taking steps to prevent the completion of an illegitimate bargain. Notoriety affords sufficient ground for taking measures beforehand to defeat an improper negotiation, though it may fail to furnish the legal evidence which would be necessary to bring home to an offender the commission of an illegal act."

We have been informed by the Military Secretary that the Commander-in-Chief has never obtained that moral certainty which would authorise him to interfere to prevent the completion of a transaction of this illegal character, and that no step therefore of the kind suggested by the Secretary of State has been taken by him. 452.

It may be observed with reference to this correspondence, which applies only to one branch of the service, that the practice of paying large sums in excess of the regulation prices of cavalry commissions is throughout assumed as notorious, and that the Secretary of State, anxious as he evidently was to apply a remedy to the evil, does not seem to have contemplated the possibility of its absolute extinction, or to have hoped to effect more than a considerable diminution of it.

The circumstances stated in the evidence of Mr. Wood, and the communications which took place between him and the War Department with respect to his refusal (to which we have before adverted) to pay more than the regulation price for the promotion of his ward, appear to us sufficient to warrant the belief on which he subsequently acted that he should incur no penal consequences by paying the over-regulation price. 1602, 1603, 1604, 1605. 1616. 1605.

The two reports from a War Office Committee which we have had before us are not without some importance as bearing on this question. Parl. Papers, 498, of 1858, and 172, of 1859.

In the first of these reports the Committee, composed exclusively of official gentlemen connected with the War Department, prepared certain tables computed at the regulated prices of commissions, stating at the same time what the effect would have been "had "the prices notoriously current been taken into calculation;" and in a paper appended to that report, drawn up by the late Sir Alex. Tulloch, who was a member of the Committee, the practice of running up the prices of commissions to a great excess beyond the regulations is adverted to at some length. Sir A. Tulloch in that paper suggests that every vacant step arising from the sale of a commission should be filled not by succession in the regiment, but by some of the officers who are seniors for purchase in the Army, adding, "The immediate results of such an arrangement would "be that the retiring officer not knowing who was likely to be his successor could "make no bargain for any sum above the regulation price."

In the second of these reports the Committee in answer to a complaint that they had omitted to take into calculation the prices beyond the regulation said to be currently given for commissions, answered that it would ill become them as members of a public military department to put forward an estimate of the sum which the public would have to pay as reward or compensation to those who for their own convenience, or their own interests, had deliberately violated one of the most positive and stringent enactments in the statute book. They added, however, "There is no probability that "legislation can put a stop to such practices so long as promotion regimentally con-"tinues. No enactment could be more stringent than the Act of 49 Geo. 3. c. 126. s. 8., "which even awards 500*l.* to the informer in any case where an extra price has been "given, and yet this immense reward, open to any one who chooses to claim it, has "not had the slightest effect, and certificates on honour that the sale has been con-"ducted on regulation principles were so commonly evaded as to be altogether "discontinued of late years."

His Royal Highness the Duke of Cambridge, in his evidence before the Royal Commission on Purchase, in 1857, expressed a similar opinion as to the impossibility, even if the purchase system were abolished, of preventing an underhand system of purchase and sale if regimental promotion continued. Purchase Commission of 1857, 4250, 4252.

There appears to have been a general conviction that so long as regimental promotion continues no effectual means could be adopted for putting a stop to this practice, and the attempt to deter officers from being parties to it by prohibitory regulations in addition to the statutory enactments having signally failed, was at length abandoned by the omission, which we have before noticed, both from the Royal Warrant of 1866 and the Queen's Regulations of 1868, of the prohibition of the practice, and of the reference to the Act of 49 Geo. 3. c. 126., which had been contained in former Regulations.

Different reasons were assigned to us for this omission. The Under Secretary of State for War speaking, however, only as to his belief and from what he had heard, said that the omission was owing to the Secretary of State considering that a Royal Warrant should not quote an Act of Parliament. According to the opinion of the 46, 47.

Military Secretary to the General Commanding-in-Chief, the reason of the omission was
488, &c. because it was believed that the rule as it then existed was constantly evaded; that the Act of 1809 was in fact obsolete, and that it was therefore no longer expedient to call the attention of officers to it in the Queen's Regulations.

The effect of the omission in any case could not fail to strengthen the impression that no official interference with the practice would take place.

Mr. Hammersley declined to answer the question whether during his 30 years' experience as an army agent he had ever heard of over-regulation prices being paid by
326. members of the family of persons who have been in authority at the War Office or Horse Guards.

The Military Secretary to the Commander-in-Chief in answer to a similar question
477. said he had never paid anything of that sort himself, but that he could not answer for others, and in answer to a further question whether he believed that there had been in their case any exception to the general rule, he said, "I do not think that there is
479. "anybody in the Horse Guards who is treated differently from any other person in "the Army."

We have had no direct proof, except in one instance, of such a payment having
844, 877. been made on behalf of a near relative of a person in the highest authority at the Horse Guards, and that was in the case of an exchange from the line to the Guards.

But in the absence of all evidence to the contrary we are compelled to express our belief that the practice in question has not been discountenanced by the example of persons holding high civil or military offices.

We are led to the conclusion that the whole course of official conduct with regard to this practice for many years has been such as to justify officers in inferring, that though contrary to the letter of the law, it was not seriously disapproved, and that they might continue it without the fear of incurring the penalties of the law or the displeasure of the military authorities.

On the other hand, the Warrant of 1856 expressly recognizes the regulation price only of a commission in the case of an officer killed in action, and the course adopted by the War Department in the case of the absorption of commissions, and in every case in which either full or half pay commissions are purchased by means of the reserve fund, is a practical assertion of a right which does not appear to have been disputed, strictly to limit the claim of officers whose commissions are so purchased to the regulation prices of such commissions.

On a review of the whole facts of the case, we have to report as to the several branches of the inquiry referred to us, that,—

1.—

(*a.*) The practice of paying in respect of promotions and of receiving in respect of retirements sums in excess of those sanctioned by the Royal Warrant of the 3rd February 1866, is general throughout those corps in which regimental promotions are by purchase;

(*b.*) The practice of paying in respect of promotions and receiving in respect of retirements sums not sanctioned by Royal Warrant, prevails also in corps in which regimental promotions are not by purchase but by seniority;

(*c.*) The practice of paying and receiving sums of money in excess of those sanctioned by Royal Warrant, or sums not sanctioned by such Warrant prevails also in the case of exchanges from one corps to another and from one battalion of a regiment to another battalion of the same regiment.

2.—That the payment of those sums is a matter of arrangement between the officers, and that it is usually, though not in all cases, made through the regimental agents acting in the matter as private bankers, no record being kept of the purpose for which the money is paid.

3.—That the chief incidents of the practice are:—

(*a.*) The raising the prices of commissions, with the exception of the first, to an amount which subjects officers of limited means to serious inconvenience while they remain in the Army.

(*b.*) Considerable pecuniary advantage to non-purchasing officers in the event of their retirement.

(*c.*) The acceleration of promotion by the inducement it offers to retirement, and the consequent advantages both to purchasing and non-purchasing officers.

(*d.*) The habitual violation of the law supported by long-established custom and unchecked by any authority.

4.—That under ordinary circumstances, and with the exception of "fancy" prices occasionally given, the officer who has paid any sum in excess of that sanctioned by Royal Warrant is accustomed to receive the like sum back on his retirement by sale of his commission or on full or half pay, but that the circumstances under which the sum so paid is irrecoverable are so various and uncertain that the payment of it, if regarded as an investment, is attended with great risk of loss.

5.—That—

(*a.*) The practice has received no formal or express sanction from any public departments or officers, and the regulation price only of commissions has been recognized and paid by the War Department in the case of payments to the families of officers killed in action, and of purchase of commissions by means of the Reserve Fund.

(*b.*) While the existence and general prevalence of the practice has been notorious, there has been no attempt to put a stop to it by enforcing the provisions of the Statutes prohibiting it.

(*c.*) The habitual violation of the Law and Regulations prohibiting the practice has passed unnoticed, except in very rare instances which occurred many years ago, in which the facts were brought officially to the knowledge of the Commander-in-Chief by complaints against officers for refusing to fulfil an agreement to pay money in excess of the regulation price for a commission.

(*d.*) In those instances the course pursued by the military authorities was not calculated to check the practice.

(*e.*) The Regulations expressly prohibiting the practice have been gradually relaxed and finally withdrawn.

(*f.*) There has been no real discouragement of the practice by any authority.

(*g.*) There has been a tacit acquiescence in the practice, amounting, in our opinion, to a virtual recognition of it by civil and military departments and authorities.

G. GREY.
DEVON.
J. PEEL.
GEORGE WARD HUNT.
W. M. JAMES.
J. YORKE SCARLETT, Lieut.-Gen^{l}.
THOS. M. STEELE, Maj.-Gen^{l}.
SAM. WHITBREAD.
P. H. MUNTZ.

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LIEUT.-GENERAL SIR EDWARD LUGARD, G.C.B.

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CHARLES HAMMERSLEY, ESQ.

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COLONEL HON. A. HARDINGE, C.B., and COLONEL FREDERICK C. A. STEPHENSON, C.B.

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COLONELS HON. A. HARDINGE and F. STEPHENSON.

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MAJOR-GENERAL J. H. LEFROY, C.B.

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MAJOR-GENERAL J. H. LEFROY, C.B.—*cont.*
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LEONARD COLEMAN, ESQ.
Is assistant to the Military Secretary, 1142, 1144. Mode in which supernumeraries are absorbed on reduction, 1145, 1147; on selling, 1148, 1152, 1160; on retirement to half pay and full pay, 1153, 1156, 1161, 1172; on death, 1157, 1159. Captains were placed on half pay on the reduction after Crimean war, 1173, 1175, 1183, 1185. Sale of half-pay commissions on settling in the colonies, 1176, 1178. Applications to sell made to Commander-in-Chief, 1179, 1180. Reserve Fund under control of Secretary of State, 1180, 1181. Applications have been made in the interest of junior officers of long service not to absorb a supernumerary on retirement to half pay, 1182, 1185, 1214, 1224, 1235. Supernumerary majors allowed to sell, 1186, 1188, 1209, 1213. Absorption of supernumeraries under Art. 71, 72, of Warrant of 1866, 1189, 1192. Army promotion on the death of a general officer, 1193, 1197. Return of promotions and absorptions, 1198, 1203. Reductions of lieutenant-colonels of cavalry regiments on return from India, 1204, 1208. Succession on retirement to half pay, 1225, 1227, 1242, 1246. Exchange to half pay, 1228, 1234. Officers retiring on temporary half pay are always succeeded from the half-pay list, 1236, 1241. Compulsory retirement at 60 years of age, 1247, 1251.

LEONARD COLEMAN, ESQ., further examined.
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LIEUT. JOHN BIDDULPH, 19th Hussars.
Served as lieutenant in 19th Hussars, a non-purchase regiment, since 1862, 1346, 1351. Was previously in the Bengal Cavalry, 1352, 1356, 1440; and is therefore entitled to pension from the Indian Government under the regulations of the old Company, 1357, 1358. Is also entitled to receive the same allowance on retiring as officers in purchase regiments who have not purchased their commissions, 1359–1363, 1447–1452, 1519–1526. A system of giving a bonus to induce officers to retire exists in the non-purchase regiments, 1364, 1365, 1433, 1469–1472; system illustrated by a recent case, 1366–1370, in which 3,500*l.* was subscribed in the regiment, and paid, 1371, 1375. The officer chiefly interested in the promotion collects the subscription by means of a circular, 1376–1378. Proportion paid by the several officers, 1379–1385. Cornets who contemplate entering the Staff Corps do not subscribe, 1386, 1389. Some officers do not subscribe, and the deficiency has to be made up, 1390, 1393. Such officers receive a less amount on retiring, 1394, 1476. An officer who has succeeded to a death vacancy receives the same sum as an officer who has subscribed to the purse, 1395. The payments are voluntary, 1396, 1397. An officer of small means is not unpopular if he declines to subscribe, 1398, 1399, 1476. Payments for exchanges between purchase and non-purchase corps, 1399, 1405, 1459, 1478, 1483. The bonus system exists in both cavalry and infantry non-purchase regiments, 1406–1408. Money thus paid is lost in case of death, 1409. Payments made to induce an officer to enter the Staff Corps, 1410–1412. The money is generally deposited with the agent to the credit of the officer retiring, 1413, 1417. Promotion is more

LIEUT. JOHN BIDDULPH, 19th Hussars,—*cont.*
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DENHAM ROBINSON and ROBERT DAVEY, ESQS.
Are clerks in the War Office and actuaries, 1527. Average service of purchasing and non-purchasing officers in purchase regiments in 1852 and 1870, 1528–1534, 1550. Promotion in the Artillery and Engineers, 1535, 1545. Comparison between promotion in the purchase regiments and the Royal Artillery, 1546, 1557. Effect of the Crimean War on rate of promotion, 1558, 1559. The non-purchase line regiments do not afford sufficient data to make a calculation of the rate of promotion, 1560, 1561.

CHAS. ALEX. WOOD, ESQ.
Is deputy chairman of Great Western Railway, 1562, 1563. Has a son who obtained a commission in a cavalry regiment without purchase, 1564–1566. Paid regulation price only for his promotion to lieutenant, but subsequently ascertained that his son had obtained the money to pay the over-regulation, 1567–1574. Has a ward in the cavalry, for whose promotion to lieutenant he paid over-regulation, 1575–1581. He declined to pay over-regulation for his troop, 1582–1586. This resulted in officers being brought in from other regiments as captains, the officers exchanging from cavalry receiving the difference between infantry and cavalry prices from the Reserve Fund, 1587–1589, 1609–1611. After losing two years he paid over-regulation for his troop, 1590–1594. Refused to pay over-regulation because the Act of 1809 had been put in force, 1595–1599, 1606, 1607. Addressed a letter to the War Department on the subject, 1600, 1601; and about the same time received a letter from Mr. Sidney Herbert, 1602. Paragraph in reference to the Act of 1809 proposed in the draft report of the Military Organisation Committee of 1860, 1603, 1604. Reply of War Department to letter addressed to Secretary of State, 1605. The names of his son and ward were always retained on the purchase list, 1608, 1611. Received frequent remonstrances in consequence of the course he pursued, 1612, 1616, 1618. Inference from reply of Secretary of State that he sanctioned over-regulation payments, 1616. Letter which was addressed to Secretary of State on the subject, 1617.

C. M. CLODE, ESQ.
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MINUTES OF EVIDENCE

TAKEN BEFORE THE

ROYAL COMMISSION APPOINTED TO INQUIRE INTO OVER-REGULATION PAYMENTS ON PROMOTION IN THE ARMY,

AT THE

War Office, Pall Mall.

Friday, 29th April 1870.

PRESENT:

THE RIGHT HONOURABLE SIR GEORGE GREY, BART., M.P., G.C.B., IN THE CHAIR.

THE RIGHT HON. THE EARL OF DEVON.	LIEUT.-GENERAL SIR JAMES YORKE SCARLETT, G.C.B.
THE RIGHT HON. LIEUT.-GENERAL PEEL.	MAJOR-GENERAL STEELE, C.B.
THE RIGHT HON. G. WARD HUNT, M.P.	SAMUEL WHITBREAD, ESQ., M.P.
VICE-CHANCELLOR SIR W. M. JAMES.	P. H. MUNTZ, ESQ. M.P.

R. H. KNOX, ESQ., *Secretary.*

LIEUT.-GENERAL SIR EDWARD LUGARD, G.C.B., examined.

Lt.-Gen. Sir E. Lugard, G.C.B.

29 April 1870.

1. (*Chairman.*) What office do you hold in the War Department?—I am Permanent Under Secretary of State.

2. You are aware of the terms of the present Commission and the object with which it has been appointed?—Yes.

3. One of the instructions we have received is to enquire what degree of recognition the practice of paying more than the regulated price for commissions may have received from any public department or officer, and "how far any statutes which now or "heretofore may have prohibited the said practice, "and any royal warrants and regulations affecting "the same, have been actually enforced." Will you be good enough to inform the Commission what the statutes are which bear upon this question, and the terms of the Royal Warrants and regulations which also bear upon it?—I cannot do better in answer to this question than place before the Royal Commissioners a memorandum which has been prepared in this office by their Secretary.

4. Will you be good enough to hand it in?—Yes. That paper gives a history of the statutes and warrants relating to the subject. (*The same was handed in,* Appendix I.)

5. Will you point out at what date or in what document any reference was first made to this practice of paying more than the regulated price for commissions. The first notice of it, according to this paper, was in 1766, in the warrant promulgating the new prices which were then fixed; is not that so?—Yes.

6. Is that warrant expressed in the following terms, as far as it bears upon this point, that,—"In all cases "where we shall permit any of the commissions "specified therein to be sold the sum to be paid for "the same shall not exceed the prices set down in "the said report; and all Colonels' agents or other "our military officers are hereby required and "directed to conform strictly and carefully to the "regulation hereby laid down and established upon "pain of our highest displeasure?"—Those are the words of the warrant.

7. There appears to have been no previous reference to this practice of paying more than the regulated price for commissions?—No.

8. This clause appears to have been repeated in the subsequent warrants of July 1772 and February 1773?—Yes.

9. What was the date of the next change that was made?—In 1783 the prices at which commissions should be sold were again considered, and it was determined to make no change.

10. The determination was to make no change in the price to be paid for commissions?—Quite so.

11. But there were some instructions added which had not previously been issued?—Yes.

12. Will you be good enough to state them?—"When an officer is desirous to sell his commission, "he is to make application in writing to the colonel "of the regiment he belongs to, or in his absence to "the field officer commanding the regiment, praying "for His Majesty's leave to dispose of his commission "at the regulated price, stating that he thereby "means to resign all pretensions to any future rank "or promotion in the army, and solemnly declaring "on the word and honour of an officer and a gentleman that nothing beyond the price limited by His "Majesty's regulations is stipulated or promised "directly or indirectly; and that no other mode of "compensation or gratuity is in contemplation of the "parties, or shall be given or accepted in respect of "such sale or purchase." This declaration was to be accompanied by another on the part of the Commanding officer, "that he verily believes the established regulation with regard to price is intended "to be strictly complied with, and that no clandestine "bargain subsists between the parties concerned." Application in writing was also to be made by the officer desiring to purchase, "stating his pretensions, "accompanied with a declaration on his part as is

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" herein-before prescribed with regard to the officer " applying for leave to sell; expressly pledging his " word and honour as an officer and a gentleman " that he is not to give, nor will either now, or at " any future time, give by any means, or in any " shape whatever, directly or indirectly, any more " than the regulated price. And His Majesty has, " by the advice of his Board of General Officers, been " further pleased to declare his determination that " any officer who shall be found to have given, or to " have stipulated, or promised, directly, or indirectly, " to give anything beyond the regulated price, in " disobedience of these His Majesty's orders, or by " any subterfuge or equivocation to have evaded the " same, and to have thereby shamefully forfeited his " honour as an officer and a gentleman, shall be dis- " missed from His Majesty's service." The forms to be used were,—" Sir, I beg you will be pleased to " obtain for me His Majesty's consent to the sale of " my commission of . In case His " Majesty shall be graciously pleased to permit the " same, my intention is thereby to resign all rights " and pretensions to any future rank or promotion " in the army; and I do further declare and certify " upon the word and honour of an officer and a " gentleman, that I have not demanded or accepted, " neither will I demand or accept, directly or in- " directly, at any time or in any manner whatever, " more than the sum of £ , being the price " limited and fixed by His Majesty's regulations, as " the full value of the said commission." " Sir, " I beg you will be pleased to obtain for me His " Majesty's permission to purchase the . " In case His Majesty shall be graciously pleased to " permit me to purchase the said commission, I do " declare and certify upon the word and honour of " an officer and a gentleman, that I will not either " now or at any future time give by any means, or " in any shape whatever, directly or indirectly, any " more than the sum of £ , being the price " limited and fixed by His Majesty's regulations, as " the full value of the said commission." Then again in 1786, three years subsequently, a circular letter was issued in which occurred these passages: " In future when an officer is desirous of retiring " from the service, either by the sale of his com- " mission or by exchange to the half-pay, he shall " not make any stipulation in regard to the particular " officer who shall succeed him;" and "it being " evident that by leaving their officers to select their " own successors, and by accepting their nominations, " the business of military promotion has in too many " instances been conducted in such a manner as to " defeat the purposes of His Majesty's regulations, " notwithstanding every endeavour of office to enforce " their due and punctual observance." These regu- lations remained in force until 1804, when circulars were again issued, insisting on compliance with the regulations, one addressed to all army agents and one to officers in command of regiments. The circular to army agents is as follows: " Sir, His Royal High- " ness the Commander-in-Chief, having the strongest " reason to believe (from the advertisements that " have frequently appeared in the public papers), " that an extensive correspondence is carried on with " the officers of the army by persons styling them- " selves army brokers, to induce them to enter into " pecuniary engagements for the purpose of obtaining " commissions contrary to the established regulations, " and it being the earnest desire of the Commander- " in-Chief to check as much as possible a practice so " extremely prejudicial to the service, I am com- " manded to call your attention to this important " point, and to impress on you the necessity of the " utmost vigilance in preventing as far as may be in " your power any communication whatever with " those persons and the officers in your agency, and " to acquaint you that should it at any time appear " that any such commission shall have been nego- " ciated through your office, the Commander-in-Chief " will consider it his duty to recommend to the " colonels of the respective regiments to notice such " irregularity by withdrawing their regiments from " that agency, and placing them in other hands. I " have it further in command to desire that you may " be pleased to convey to the officers commanding " regiments in your agency, the most marked dis- " approbation of His Royal Highness of this improper " and secret traffic, and to assure them that if sub- " sequent to the date of this letter any commission " shall be discovered to have been so obtained, such " commission will be immediately cancelled, and the " officer be reported to the King as having acted in " direct disobedience to the orders of the Commander- " in-Chief."

13. Is there anything in that circular to army agents expressly bearing upon the point of our present enquiry; does not it seem rather to refer to the manner in which first commissions were obtained. It speaks of an "improper and secret traffic"—Yes.

14. (*Sir J. Scarlett.*) It says nothing of an extra price being given?—No; it refers more to obtaining the first commission; indeed it appears to refer to that entirely.

15. (*Chairman.*) It refers to first commissions being obtained by improper means, and through what are termed "Army Brokers"?—Yes.

16. Then, in a circular to commanding officers, I see that there are extracts from the regulations enclosed, in which it is stated that "His Majesty's " regulations, in regard to the sums to be given and " received for commissions in the army, have in " various instances been disregarded to the great " prejudice of His Majesty's service?"—Quite so.

17. And a regulation was made as to the manner in which an officer having leave to sell his commission was to send in his resignation?—Yes.

18. I observe that the commanding officer of a regiment was directed in transmitting the resignation of the officer to the Commander-in-Chief, "at the "same time, if there are purchasers in the corps, to " recommend in succession the seniors of their re- " spective ranks for purchase, both the colonel and " commanding officers certifying that they are satis- " fied that no more than the sum stipulated by His " Majesty's regulations is given or received"?—Yes.

19. Was not the effect of that to designate the officer who was to succeed to a commission which was to be vacated by an officer resigning. The senior of the corps, if he had the money to purchase, would necessarily succeed if qualified?—The senior for purchase, if qualified, must necessarily succeed.

20. Be good enough to look back to page two at the paragraph beginning "In 1786." From the terms of that circular letter it seems to have been contemplated that the officer resigning should not know who was to succeed him; and of course it would make it more difficult to negotiate for any price beyond the price authorized by the regulation if the officer resigning did not know who was to succeed him?—Quite so. There are circumstances under which the senior does not succeed.

21. Be good enough to state what they are?—For instance; if an officer has committed any offence and has been tried by a court-martial but has been allowed to receive the value of his commission, the purchase is not, as a rule, allowed to go in the regiment.

22. That is compulsory retirement and not voluntary?—Quite so.

23. (*Sir W. James.*) How does it go then?—An officer from the general army is selected.

24. (*Chairman.*) In these regulations of 1786, to which we are now referring, there was a repetition, was there not, of the prohibition against giving anything beyond the regulated price?—Quite so.

25. And a statement that if these regulations were evaded, or attempted to be evaded, a report was to be made to the Commander-in-Chief, in order that the officer might be removed from the service?—Quite so.

26. Then there seems up to that period to have been a constant endeavour, from the year 1766, on the part of the military authorities to check this practice?—Yes, up to 1807.

27. No statute law had been passed prohibiting it up to that time?—No.

28. Be good enough to state the purport of the enactment passed in 1807; it was a clause in the Mutiny Act, I believe?—In 1807 a clause was inserted in the Mutiny Act forbidding the traffic in commissions.

29. Will you read that clause?—It is the 47 George III., chapter 32, clause 97. "And whereas "great inconvenience has arisen to His Majesty's service from persons not authorised agents of regiments "troops, or companies, negotiating for the purchase "and sale of commissions, and much larger sums than "are allowed by His Majesty's regulations are often "given and received for commissions, and great "frauds committed: be it therefore enacted, that every "person not an authorised agent of any regiment, "troop, or company who shall negotiate or act as "agent for or in relation to the purchase or sale of "any commission in His Majesty's forces, and also "every authorised agent as aforesaid who shall take, "accept, or receive any commission or sum of money "or reward for negotiating the purchase or sale of "any such commission, or acting as an agent in relation thereto, shall forfeit for every such offence the "sum of 100*l.* and treble the sum which shall be "given or received for or in relation to any such "commission, over and above the sum allowed by His "Majesty's regulations."

30. Is not that clause exclusively applicable to agents. There appears to me to be no reference to officers of the army in that clause?—Quite so.

31. Then what was the next Act that was passed on the subject?—The 49th of George III., chapter 126, entitled "An Act for the further prevention of "the sale and brokerage of offices."

32. Was that in 1809?—Yes.

33. What is the effect of clauses 7 and 8 of that Act?—Clause 7 refers to agents and clause 8 to officers in the army.

34. Will you read those clauses?—Clause 7 is—"Provided always, and be it further enacted that "nothing in this Act contained shall extend or be "construed to extend to any purchases, sales, or exchanges of any commissions or appointments in the "honourable band of gentlemen pensioners, or in His "Majesty's Yeomen Guard, or in the Marshalsea, and "the Court of the King, of the Palace of the King "at Westminster, or to extend to any purchases, sales, "or exchanges of any commissions in His Majesty's "forces for such prices as shall be regulated and "fixed by any regulation made or to be made by His "Majesty in that behalf, or to any Act or thing done "in relation thereto by any agents, provided that "such agents shall be agents of regiments authorized "by the Commander-in-Chief of His Majesty's forces, "or by colonels or commandants of regiments or "corps, and shall act therein under such regulations "only as are or shall from time to time be established "by His Majesty, and shall not cause or procure or "knowingly permit or suffer to be printed or advertised any advertisement or advertisements, proposal "or proposals, for any purchase or sale or exchange "of any commission, or any negotiation relating "thereto, and shall not receive, or take any money, "fee, gratuity, or reward, or any promise, agreement, "covenant, contract, bond, or assurance, or by any "way, means, or device contract or agree to receive "or have any money, fee, gratuity, or reward for "acting in such behalf." Clause 8 is—"Provided "also, and be it further enacted that every officer in "His Majesty's forces who shall take, accept, or receive, or pay, or agree to pay any larger sum of "money, directly or indirectly, than what is allowed "by any regulations made by His Majesty in relation "to the purchase, sale, or exchange of commissions "in His Majesty's forces, or who shall pay or cause "to be paid any sum of money to any agent or broker "or other person for negotiating the purchase or sale "or exchange of any such commission, shall on being "convicted thereof by a general court-martial, forfeit his commission and be cashiered, and as an encouragement for the detection of such practices "such commission so forfeited shall be sold and half "the regulated value (not exceeding five hundred "pounds) shall be paid to the informer, and the other "half or remainder, if more than five hundred pounds, "shall go and be applied as His Majesty shall order "and direct by any regulations made from time to "time in that behalf. Provided also that every person who shall sell his commission in His Majesty's "forces, and not continue to hold any such commission in His Majesty's forces, and shall upon or in "relation to such sale take, accept, or receive directly "or indirectly, any money, fee, gratuity, loan of "money, reward, or profit, or any promise, agreement, covenant, contract, bond, or assurance, or "shall by any device or means contract or agree to "receive or have any money, fee, gratuity, loan of "money, reward, or profit beyond the regulated price "or value of the commission sold, and also every "person who shall wilfully or knowingly aid, abet, "or assist such person therein shall be deemed and "adjudged guilty of a misdemeanour within the provisions of this Act."

35. That Act is still in force?—Yes, it is still in force.

36. (*Sir W. James.*) Has any opinion ever been taken within your knowledge by the War Office as to whether that Act applies to the present Sovereign. It says "Every officer in *His* Majesty's forces." Has any opinion ever been taken as to whether the words "His Majesty" there are equivalent to the Crown?—Not to my knowledge.

37. (*Chairman.*) Has not a reference been made to these clauses of the Act of 1809 in the Queen's Regulations, which have been issued from time to time down to the year 1866 or 1868, or at all events to a very recent period in order to call the attention of the officers of the army to them?—Yes, quite so; down to the Queen's Regulations of 1859.

38. They are referred to in the 38th of those regulations, I think?—Yes; that is at page 75: "It is also to be observed that 'every officer in Her "'Majesty's forces who shall take, accept, or receive, "'or pay, or agree to pay any larger sum of money, "'directly or indirectly than what is allowed by "'any regulations made by Her Majesty in relation "'to the purchase, sale, or exchange of commissions "'in Her Majesty's forces, or who shall pay or cause "'to be paid any sum of money to any agent or "'broker, or other person for negotiating the pur"'chase, sale, or exchange of any such commission "'shall, on being convicted thereof by a general "'court-martial, forfeit his commission and be "'cashiered,' and 'that every person who shall sell "'his commission in Her Majesty's forces, and not "'continue to hold any commission in Her Majesty's "'forces, and shall, upon or in relation to such sale, "'take, accept or receive, directly or indirectly, "'any money, fee, gratuity, loan of money, reward "'or profit, or any promise, agreement, covenant, "'contract, bond of assurance, or shall by any device "'or means, contract or agree to receive, or have "'any money, fee, gratuity, loan of money, reward "'or profit beyond the regulated price or value of "'the commission sold, and also every person who "'shall wilfully or knowingly aid, abet, or assist "'such person therein shall be deemed and adjudged "'guilty of a misdemeanor.'"

39. That in fact was a recital of the Act of 1809?—Yes, of that portion of the Act of 1809. It is a curious thing too that in the quotation from the Act in these regulations instead of "His Majesty" "Her Majesty" is inserted. It is quoted as "Her "Majesty's forces."

40. Will you be so good as to read the 39th of those regulations following the reference to the

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provisions of the Act of 1809:—"In all cases when "these regulations shall be infringed or evaded the "promotions or exchange will be at once cancelled, "and where proof can be obtained that the pro- "visions of the Act 49 Geo. 3. c. 126, and those of "the Mutiny Act have been directly or indirectly "infringed the commander-in-chief will take mea- "sures for giving full effect to the penalties attaching "to such offence."

41. (*Mr. Muntz.*) That refers to the Act of 1809, does it not?—Yes.

42. (*Chairman.*) I believe those regulations remained in force from 1859 to 1866, did they not?—To 1868.

43. Is not it the case that in 1868 the Queen's Regulations and the Royal Warrants were consolidated?—Yes.

44. And that the Royal Warrants for the first time then contained a statement of the prices of commissions which before had been contained only in the Queen's Regulations?—Yes, the Royal Warrant of 1866.

45. Is it also the case that when the transfer took place the reference to the Act of 1809 was omitted, so that since 1868 the attention of officers has no longer been called by the warrants or regulations which are now combined to the provisions of that Act?—Yes, certainly.

46. Are you aware of the object with which that alteration was made in 1868?—I have only heard that the military authorities and the compilers of the Queen's Regulations considered that it should be struck out from the regulations relating to discipline; and the compilers of the Financial Warrant were under the impression that it was not right to quote an Act of Parliament in a Royal Warrant.

47. The natural inference from the omission would appear to be that the Secretary of State or the military authorities, if they were acting in concert with the Secretary of State, thought it no longer necessary specifically to call the attention of the officers of the army to the stringent provisions of that Act; do you think that that was the case?—No, that was not the case. In the first revise of the Financial Warrant the attention of the officers was called to that Act, and it was only when the final revision of the warrant took place that the Secretary of State struck it out, and I believe it was done for the reason I have stated, namely, that he considered a Royal Warrant should not quote an Act of Parliament.

48. But in point of fact, has not the effect of it been that the attention of officers is no longer specifically directed as it was before to the prohibitions contained in the Act of 1809?—Certainly.

49. Some alteration appears to have been made in the year 1815 in the Mutiny Act of that year, in the terms of the clause relating to what is called "traffick- "ing in commissions?"—Yes. A clause was inserted assimilating it to the clauses in the Act of 1809.

50. (*Mr. Hunt.*) That is to the seventh clause?—Yes.

51. (*Chairman.*) Relating to agents?—Yes.

52. And prohibiting on the part of agents, their being parties to negociating for the use of themselves or any other person, the payment or receipt of "any "sum of money or other consideration above the "amount of the price allowed by His Majesty's "regulations?"—Yes.

53. (*Mr. Hunt.*) Was there any clause in that Act relating to officers?—I am not aware that there was.

54. There has been no clause in any Mutiny Act with reference to officers paying more than the regulation price, has there?—No, I think not. The clause refers entirely to agents.

55. (*Chairman.*) You referred just now to a stringent declaration that was required in 1783 from officers that they had not demanded or accepted, nor would demand or accept, directly or indirectly, at any time or in any manner whatever more than the price limited and fixed by His Majesty's regulations as the full value of the commission?—Quite so.

56. How long did that remain in force?—That remained in force up to 1824, I think.

57. What took place then?—Then in consequence of a debate in the House of Commons introduced by Mr. Hume, that declaration was discontinued. This paper says: "On the second of April following, a "memorandum was submitted to the King proposing "the abolition of the forms of declaration hitherto "required and eliminating from the regulations all the "words calling for them, substituting the following "rules, that the quarterly returns of officers who are "desirous of purchasing promotion either in their "own corps or in any other regiment, should con- "tinue to be sent in as at present, according to the "form prescribed in page 52 of the said regulations "and orders, with the addition of the following "certificates signed by the colonel or command- "ing officer of the regiment, first, that he has "ascertained by reference through the regimental "agent to the responsible persons, that in each case "there is good and sufficient security that the pur- "chase money will be forthcoming when called for. "Second, that of the individuals so returned as pur- "chasers A. B. C., &c., are in all respects deserving "of promotion, and those whom he would not hesitate "to recommend whenever the vacancy shall offer, as "fit for the duties of the higher and more responsible "commission. When the regiment and commanding "officer are abroad, the commanding officer to state "the security to which reference is made, and the "military secretary will ascertain through the agents "whether that security be good and sufficient, it "being understood that if the answer be not at once "satisfactory the individual will be struck out of the "list of purchasers. That this quarterly return so "certified shall be the only communication made on "the subject of promotion by purchase, and that when "a resignation is sent in it shall be considered uncon- "ditional and irrevocable, and no successor shall be "pointed out or recommended. In all cases the in- "dividual selected for the purchase, or his sureties, "will be called upon to lodge the purchase money "with the agents. If the senior who may have been "returned as a purchaser, and whose money shall "have been certified to be forthcoming, should decline "the purchase when selected for it, or his sureties "should decline it for him, he or they will be called "upon to state the reason for so declining to the "Military Secretary, for the Commander-in-Chief's "information, and if the explanation should not be "considered satisfactory, his name will be struck out "of the future list of purchasers. The candidate "who may be selected from reference to the quarterly "returns for the purchase of promotion out of his "own corps, will be directed to lodge the purchase "money without being acquainted in what regiment "he is to obtain the promotion, nor will any applica- "tion for purchase of promotion which points out the "expected vacancy be admitted. In all cases of ex- "changes between officers, both on full pay, whether "of cavalry or infantry or from cavalry to infantry, "the recommendations must be signed by the colonels "or commanding-officers of the respective regiments, "accompanied by a declaration, signed by the in- "dividuals and certified by the colonels or command- "ing officer, that they do not intend to sell out or "retire upon half-pay after effecting such exchange, "but that it is their *bonâ fide* intention to join and "do duty with the corps to which they exchange "immediately; the leave of absence that may have "been granted to either or both being cancelled by "such exchange. That no officer of cavalry who "shall apply for permission to retire on half-pay will "be permitted to receive the difference between full- "pay of cavalry and full-pay of infantry, but his ex- "change will be viewed as being, to all intents, an "exchange to the half-pay of his own branch of the "service, receiving the difference between full and "half-pay, and subject to the restrictions applicable "to such exchanges. That in exchanges to half-pay, "either with or without the differences, or from

" cavalry to infantry, the application must be general " and unconditional, and the officer, upon full-pay " will not be allowed to point out his successor, who " will be indiscriminately selected by the Commander- " in-chief without any previous notice to the parties. " It is further most humbly submitted to His Majesty " that it shall be declared that in all cases when the " regulations shall appear to the Commander-in-Chief " to have been infringed or evaded, the promotion or " exchange shall be at once cancelled; and in all cases " where proof can be obtained that the provisions of " the Act 49 George III. ch. 126, and the 134th " clause of the Mutiny Act have been infringed, the " Commander-in-Chief will take measures for giving " full effect to the penalties which attach to such " offence."

58. (*Mr. Muntz.*) It appears evident from the statement of Sir Henry Hardinge, afterwards Lord Hardinge, that he believed that "under these regulations it " was impossible for a junior officer, however rich, to " step over the head of a senior officer" so long as the latter had the means of putting down the stipulated price for his commission?—Nor can he do so at the present day. If I am first for purchase, and I am determined not to give a farthing above the regulated price, no officer under me, if he has millions, can go over my head.

59. But under such circumstances, no officer could remain in the regiment?—It requires only a certain amount of moral courage.

60. (*Chairman.*) You referred just now to a debate in the House of Commons; was not an objection then taken to the declaration by Mr. Hume, and allowed by the Government of the day, that "there was ' scarcely one case in 10 in which officers received ' their commissions at the regulated price, though " they thus certified that fact." In fact the practice was notorious?—Quite so.

61. I think it was not denied that the practice was notorious. The objection was held to be entitled to weight, and the declaration was discontinued?—Quite so.

62. I see in the regulations made on the discontinuance of that declaration, it is said that quarterly returns were to be sent in of the officers who were desirous of purchasing?—Yes.

63. "And that when a resignation is sent in, it " shall be considered unconditional and irrevocable, " and no successor shall be pointed out or recom- " mended?"—Yes.

64. In 1837 that is stated to have been omitted. Are you able to state why that change was made, and why that part of the new regulations was discontinued in 1837?—"In the year 1837 a new edition of the " 'King's Regulations' was issued, and two of the " most important of the regulations which were intro- " duced in 1824 were omitted." I am not cognisant of the reasons for that.

65. There was also another regulation made which was omitted then. "The candidate who may be " selected, from reference to the quarterly returns, for " the purchase of a promotion out of their own corps, " will be directed to lodge the purchase money, with- " out being acquainted in what regiment they are to " obtain the promotion; nor will any application for " the purchase of promotion which points out the ex- " pected vacancy be admitted?"—Yes.

66. Both those regulations were omitted from the edition of the "Regulations" of 1837?—Yes.

67. Is it not the case that in those regulations, although the declaration was discontinued this rule was laid down:—"It is further most humbly submitted " to His Majesty that it shall be declared that in all " cases when the regulations shall appear to the Com- " mander-in-Chief to have been infringed or evaded, " the promotion or exchange shall be at once can- " celled; and in all cases where proof can be obtained " that the provision of the Act 49 Geo. III. c. 126, " and the 134th clause of the Mutiny Act, have been " infringed, the Commander-in-Chief will take mea- " sures for giving full effect to the penalties which " attach to such offence?"—Yes, quite so.

68. Does not it appear from that, that although the declaration was discontinued because it had been found to be practically ineffectual, and to have been taken by officers notwithstanding the notoriety of the practice, it was intended still to enforce the provisions of these two Acts against the practice of paying more than the regulated price for commissions?—Quite so.

69. Is there anything else, either in the Statute Law or in the Royal Warrants and Regulations, bearing upon this question?—Nothing that I am aware of.

70. Nothing but what is contained in this memorandum which you have handed in?—Nothing.

71. (*Sir W. James.*) What is considered in this office to be the practical mischief arising from one officer receiving and another officer giving more than the regulation price for a commission?—The great mischief is that it bears heavily upon the poorer men.

72. As I understand you a poor man who is in the course of promotion is entitled to say, I will not give more than the regulated price?—Quite so. He has the power to do it, but the doubt is whether he has the moral courage to withstand the pressure that would be put upon him, no doubt by his brother officers.

73. Does that differ from the moral pressure which may be put on non-purchase corps upon officers for the purpose of making up a sum to induce another officer to retire?—It is exactly the same. No officer in a non-purchase corps could refuse his quota towards the bonus. Indeed the bonus system bears more heavily upon poor men than the purchase system.

74. Is there anything in any regulation or in any law that you are aware of to prevent that bonus system?—Nothing. It is merely a private subscription among the officers to give a bonus to induce a senior to go.

75. Are you aware whether that practice prevails in the non-purchase corps of the army in England. I am told that it prevails very largely in the Indian army, in the Engineers and Artillery for instance?—I think not; I never heard of it. You see these corps are scattered over the world I may say, so that you never could get an accord; you never could get the officers together for the purpose of making any such arrangement.

76. (*Sir J. Scarlett.*) Has not there been an attempt in the Artillery, which is a non-purchase corps, to introduce some kind of purchase system or some subscription for retirement?—I have not heard of any, but I think it is very likely that there may have been.

77. (*Lt.-Gen. Peel.*) Notwithstanding these Acts of Parliament and regulations, and the notoriety of their having been constantly evaded, are you aware since your connexion with the War Office of any prosecutions ever having been carried on in consequence of such evasion?—Never.

78. (*Mr. Hunt.*) Or of any military punishment having been inflicted?—No.

79. Has any investigation been made with a view to a prosecution within your knowledge?—Never. In short I may say that the fact of extra prices over the regulation prices being given is not officially known; I may almost say that we know nothing of it because the transaction is outside this office altogether. Perhaps you will allow me to explain how the sale takes place. An officer wishes to sell; he applies through his commanding officer to the Military Secretary at the Horse Guards. That application is then sent to this office to know what sum the officer will be entitled to, according to the rules and regulations of the service. That is stated, and we never know who the successor is to be, or any more of the transaction, until the names come up for submission to Her Majesty, in the paper that goes forward. Therefore we know nothing of what goes on with regard to the purchase.

80. (*Lt.-Gen. Peel.*) When the name of the successor comes up, if you had reason to believe that he

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was going to pay an over-regulation price, would it not be your duty to object to him?—No, because we have nothing at all to do with that.

81. The submission paper comes to you in the first instance before it goes to Her Majesty?—Yes.

82. And if you had any reason to object to an officer on account of his paying over-regulation price, would it not be your duty to point that out to the Secretary of State?—Certainly, if that was officially known to me.

83. If it were notorious that an officer was going to give more than the regulation price, would it not be your duty to point that out?—Yes it would; but you cannot make an official representation upon a rumour outside, and as was stated in the debate in the House of Commons, and has been recorded, you never can get at the facts, you never can, even from the agents, arrive at the fact that the money is *bonâ fide* given by one officer to the other for this object.

84. I only wanted to bring out the fact that it would be your duty to point it out if there was anything contrary to regulation, a person over age or anything of that kind within your knowledge?—Yes, certainly.

85. (*Sir J. Scarlett.*) That is if anyone were to report it to you officially?—Yes. I think it is stated in the paper I was reading, that they never have been able to establish the facts before a Court of Law.

86. (*Chairman.*) The declaration formerly required by the regulations having been officially withdrawn, would the military authorities think themselves justified in requiring a declaration from an officer that he had not violated the law in that respect?—I should say not.

87. Unless information were given them which led them to suppose that it had been done and which might lead to an inquiry?—That is the point; you could not do it upon rumour, you must have actual facts to go upon before you could officially notice the matter, and the getting those facts is of course the difficulty.

88. (*Mr. Muntz.*) You stated just now that there was a certain amount of moral courage requisite to pay the regulation price without the customary over-regulation price?—Yes.

89. Is it not the custom to put down the name for purchase of every officer who wishes to purchase?—Yes.

90. When the name is put down, is not it a matter of notoriety that it is looked upon as the gentlemanly thing in the regiment that the officer will not only pay his regulation price but also the customary over-regulation price?—Not at all; I have known instances of an officer not being able to pay more, and being unwilling to forego his promotion; that has been done.

91. There are individual cases, but is not it generally the case that an officer is tabooed if he refuses to pay the over-regulation price?—I am not prepared to say that of my own knowledge; I am not aware of it and I doubt it.

92. But if an officer does not put down his name for purchase in that case he would be purchased over in the line?—Yes.

93. If, however, it was a non-purchase regiment in that case he would not be purchased over?—Of course not.

94. Then this moral difficulty would not exist and moral courage would not be requisite, as he would not have to put down his name for purchase?—He would still have to pay what very likely he could not afford and what would plunge him into debt, that is, his quota to the bonus for the retirement of his senior officer, if the Indian system were introduced.

95. But he would not have to put down his name for purchase, and thereby literally cheat (if I may use the term) the other officers, who would look upon his over-regulation price as the customary and proper thing?—I cannot agree to that.

96. (*Lt.-Gen. Peel.*)—His moral position would be the same in a purchase as in a non-purchase regiment, would it not?—Quite so.

97. (*Mr. Muntz.*) Is there not this difference, that in the one case he puts down his name, giving the customary undertaking that he will pay the over-regulation price, and that in the other case he does not put down his name, and gives no undertaking at all. In the purchase regiments an officer puts down his name for purchase, and gives an undertaking that he will pay the customary over-regulation price?—No, I cannot say that.

98. Is not an officer notoriously called a "Sticker" who refuses to do it?—I am not aware of it.

99. (*Chairman.*) Have you read the evidence of Sir John McDonald, who was at that time Adjutant-General, given before the Commission on Naval and Military Promotion and Retirement in 1838?—Yes.

100. I see he says that "there is no member of "a regimental society so unpopular as he who pro- "claims his determination not to exceed the regu- "lated price; thereby standing as an obstacle to "promotion by purchase in the regiment to which he "belongs." Do you concur in that view?—I should say so; I have no doubt that it is so in most cases.

101. Are you aware of the circumstances under which an officer is liable to lose the purchase money he has paid for his commission?—By his promotion to the rank of general officer, by compulsory retirement from the service, or by death.

102. (*Sir J. Scarlett.*)—Or by reduction?—No.

103. Supposing the regiment is reduced; what would be his position?—He would be brought into full pay in another regiment, as opportunity occurred.

104. (*Chairman.*) You stated that he would lose the purchase money he had paid for his commission by death. Was not there some new regulation made at the time of the last war by which, in the case of an officer killed in action or dying within six months from wounds, the family did not lose the value of his commission?—Quite so. Those were exceptional cases. I was speaking of time of a peace.

105. (*Lt.-Gen. Peel.*) Then you qualify your former answer, that he loses his purchase money by death, by adding with the exception of officers killed in action or dying within six months of wounds received before the enemy?—Yes, to a certain extent.

106. (*Chairman.*) That, I believe, is confined to cases in which the circumstances of the officer make it just that his family shall receive some compensation of that kind?—Yes, it is so stated in the warrant.

107. Can you put in the warrant under which that regulation was made?—It was in 1856, and it runs thus:—"We have deemed it advisable to allow to the "widows and families, or to certain of the relatives "herein-after specified, of officers of our army, who "since the declaration of war with Russia, have been "or may be killed in action, or who have died or may "die of wounds received in face of the enemy within "six months after being wounded, the alternative of "receiving a fixed sum of money in lieu of such "rates of pension and compassionate and other al- "lowances as are prescribed by our Royal Warrant "of the 15th of June 1855. And whereas we were "pleased to issue a warrant under Our Royal Sign "Manual dated 23rd October 1855. Our will and "pleasure now is, that Our said Royal Warrant of "the 23rd October 1855 shall from henceforth be "cancelled, and that this, Our Royal Warrant, to be "administered and interpreted by Our Secretary of "State for War, shall be constituted in lieu thereof, "and shall be the sole and standing authority upon "the matters herein contained; but shall not annul "or in any way invalidate any act heretofore per- "formed by Our Secretary of State for War, under "the provisions of the last-mentioned warrant." Then it is in the original Pension Warrant that it states that the circumstances shall be taken into consideration.

108. (*Lt.-Gen. Peel.*) That applies to pensions and not to money paid for the purchase of commis-

sions?—Yes; but this is in lieu of it; they may receive either a pension or a money allowance.

109. I understand that the question was, under what circumstances they were to receive back money paid for a commission. That which you have read has no reference to money previously paid—it would apply equally to an officer who had never purchased at all?—Yes.

110. (*Chairman.*) Is an officer entitled after a certain number of years' service to retire on full pay?—Yes.

111. After how many?—After 30 years.

112. He is entitled to retire then; but is he compellable to retire, or is it a voluntary act on his part?—A voluntary act.

113. Are you aware of the practice of paying money to an officer to induce him to retire, in order that there may be a step of promotion in the regiment?—I have no doubt that it is done continually, but I have no facts bearing upon the case.

114. I do not mean have you any official knowledge of it, but are you aware that the practice is equally notorious with that of giving an excess beyond the regulation price for commissions?—I believe so.

115. (*Mr. Hunt.*) That is equivalent to the bonus system?—It is not exactly equivalent to a bonus. The worst of the bonus system, as I have seen it, is that every officer is compelled to pay, from the junior ensign upwards. He pays not for the actual promotion but for each step in gradation up, and by the time he gets to be senior lieutenant I have known officers in India involved in debt. They have been obliged to borrow the money for each step as they had to pay it.

116. (*Sir W. James.*) Is there any prohibition by warrant or regulation against that practice?—No.

117. Can you distinguish in principle between the two practices of paying a bonus contributed to by the different officers of the regiment and paying over-regulation price?—Paying an over-regulation price rests entirely with those who can afford it, or at any rate who have means at their disposal; whereas the bonus very often presses upon men who have to borrow the money to pay it, and who, if in a purchase corp would not purchase at all.

118. With regard to the principle of it, is there any difference in the principle between getting rid of a man by paying a bonus and getting rid of him for the benefit of an individual by paying an over-regulation price?—Not at all, the principle is the same.

119. (*Sir J. Scarlett.*) The object of the bonus is to induce a senior officer to retire?—Yes.

120. To give him a better retirement?—Yes, to give him a better retirement.

121. (*Sir W. James.*) The practice is oppressive upon poor men in each case, is it not?—Yes.

122. (*Sir J. Scarlett.*) Does not it happen that some men do not derive any benefit from having subscribed to a bonus?—Many do not.

123. (*Mr. Muntz.*) All the juniors in case they die or sell out have lost their money?—Yes, in case they die.

124. (*Mr. Hunt.*) Under the bonus system promotion goes through the whole regiment; every man gets a step?—Yes.

125. But the paying over-regulation price operates only in favour of one particular individual?—Yes, the man who purchases.

126. (*Chairman.*) In the case of an officer retiring upon full pay, does not the officer next in succession obtain the promotion without purchase?—Yes.

127. And therefore is it to his interest to give a certain sum of money to an officer entitled to retire, in order to induce him to make a vacancy which he can get without purchase?—Certainly.

128. Is it the practice to do that?—I understand that it is.

129. (*Mr. Hunt.*) With regard to the difference of promotion in the case of paying a bonus, and in the case of paying an over-regulation price, you state that the fourth captain for instance may leap over the heads of his three seniors by purchase?—Yes.

130. In that case all below the fourth captain would gain a step, would they not?—Yes, certainly.

131. It would be in that case the three who were passed over who would gain nothing?—Quite so.

132. But all below the man who purchased would obtain a step?—Yes.

133. But in the case of the bonus system the whole of them would gain?—Yes.

134. There would be no passing over any one?—There would be no passing over any one.

135. (*Chairman.*) Is it the case in the instance to which I have been referring of an officer retiring on full pay, that all the officers in the regiment contribute to make up the sum required by that officer to induce him to retire, or that it is paid by the officer who immediately succeeds him?—I should say that it is made up by those who immediately succeed.

136. Just as the over-regulation price would have been if the Commission had gone by purchase?—Quite so.

137. Do exchanges from one regiment to another frequently take place?—Yes.

138. Are there exchanges from the line into the Guards, for instance?—Yes.

139. From a regiment going abroad to one remaining at home?—Yes.

140. From one battalion of a regiment going abroad to another battalion of a regiment remaining at home?—Yes.

141. Is it equally the practice, or have you reason to believe that it is so, that money passes between officers in making these exchanges?—I have not the slightest doubt of it.

142. Perhaps you can tell the Commission what the price paid in those cases is?—No, I cannot.

143. (*Mr. Muntz.*) Is it not notorious that that is done?—Yes.

144. (*Chairman.*) That, I think, is prohibited by the terms of the Act of 1809?—Yes.

145. The word "exchange" is used in that Act?—Yes.

146. So that that is equally illegal with the payment of a sum in excess of the regulation price for promotion?—Yes.

147. (*Lt.-Gen. Peel.*) You state that after 30 years' service an officer is entitled to retire upon full pay?—Yes.

148. After a certain number of years' service he is entitled to sell his commission, is he not, even if he has not purchased a single step?—Yes.

149. How many years' service entitles him to do that; it is 20 years' service, is it not?—Yes; after 20 years he can sell for the full price.

150. (*Chairman.*) Therefore, after 20 years' service, a non-purchasing officer is in exactly the same position as if he had purchased his commission, and is entitled to sell upon the same terms for the full regulation price?—Yes.

151. (*Lt.-Gen. Peel.*) Practically he would receive exactly the same price as an officer who had purchased every one of his commissions, would he not?—Yes.

152. But an officer who has not served 20 years and makes an application to go upon half-pay, would be told by the War Office, we will not give you the half-pay, but you may receive an allowance for your services?—The warrant says:—"An officer shall "not be allowed to sell any commission which he "shall not have previously purchased, nor the com- "mission of a rank in which he shall not actually "have served, unless with the sanction of our Com- "mander-in-Chief and our Secretary of State for "War, after service on full pay of 20 years or up- "wards. An officer who shall have served less than "20 years and more than three years, and who shall "have obtained any or all of his commissions with- "out purchase, may be permitted to receive, on re- "tiring from the service, the full value of such "commissions as he may have purchased, or of a "first commission granted without purchase for dis-

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"tinguished conduct in the field; and in respect of "his other non-purchase commissions, if he be com- "pelled to retire by ill-health, misfortune, or other "stringent cause, a sum not exceeding 50*l.* for every "year of home service, and 100*l.* for every year of "foreign service," — he would get that besides. Therefore the 20 years' service only entitles him to receive the full value for the whole of his commissions.

153. And there is also this distinction, that after 20 years' service he is as much entitled to sell his commission as a man who has purchased every one of his commissions?—Yes.

154. In the other case you will see that it says he "may be permitted" to do so—he has no actual claim—that is the distinction?—Yes.

155. But when he has served for 20 years, the commission is just as much his own as if he had purchased every step?—Yes.

156. (*Chairman.*) Is not it the case now that without reference to ill-health or any necessity that may arise for an officer's leaving the army, if after 10 years' service he quits the army, he gets the 50*l.* or 100*l.* a year, or whatever the sum may be for every year that he has served?—Quite so.

157. Then the qualification is not necessary with regard to ill-health?—The warrant says: "ill-health, "misfortune, or other stringent cause."

158. In those cases I presume he equally negotiates with the officer who is to get the benefit of his leaving the regiment, for a sum of money which would be tantamount to the excess of price paid, provided he was selling his commission on the usual terms?—Doubtless.

159. (*Mr. Whitbread.*) Is not it the fact that the bonus which is given to an officer to retire on full pay is made up by the contributions generally of the seniors of each rank below him who would thereby obtain a direct step?—No, I think that the practice which I have generally understood to exist and seen carried out would be that every officer gives a quota. There is a regulated scale from the senior to the junior.

160. (*Sir J. Scarlett.*) You refer to the bonus system in the Indian army?—Yes; that is the only bonus system that I know of.

161. (*Mr. Whitbread.*) I am speaking of that bonus which is given to an officer after 30 years' service to induce him to retire upon full pay?—I do not know that there is any, and I do not know how it is regulated at all; I only know of the rumour. I imagine that it is so, and I should think that very few officers would go unless they got a certain sum of money; but how that money is collected I cannot say.

162. I am not speaking of your official knowledge?—I do not know privately either; I may explain to you that all my regimental service and nearly all my army service was passed in India; I was there for 27 years, and there is very little going on in India, either of the payment of over-regulation price or of the traffic which exists in the home service.

163. (*Mr. Muntz.*) Are you referring to the old Company's service or the Queen's service?—The old Company's service.

164. In the non-purchase regiments, that is, from the 101st to the 109th, I believe, does that system of bonus, as far as you are aware, continue?—I suspect not, especially when they are brought home; then the officers could not very well pay it. In India there is greater facility; the allowances are better, and there are facilities for borrowing money from the banks there, and a poor man is able to get a few pounds to contribute. In this country he could not do it; a man cannot live upon his pay, and it would be most difficult for him to get money for that purpose.

165. Does not it lead to a great deal of misfortune in India?—In some cases.

The witness withdrew.

Mr. C. Hammersley.

MR. CHARLES HAMMERSLEY examined.

166. (*Chairman.*) Are you a partner in the house of Messrs. Cox & Co., army agents?—I am.

167. For how many regiments of infantry and cavalry are your house agents?—For two regiments of Life Guards and Blues, 21 regiments of cavalry, the brigade of Guards, the Artillery and Engineers, and 112 battalions of infantry.

168. Are the arrangements for the purchase and sale of commissions in those branches of the army in which commissions are sold made through your house?—Yes, they are.

169. Is the money for the regulated price of the commission lodged in your house, and do you certify to the Commander-in-Chief that it has been paid?—We do.

170. Is that the case in the grant of a first commission?—Yes, we report the money.

171. Upon that certificate being received at the Horse Guards, is the appointment or promotion, as the case may be, of the officer gazetted?—It is.

172. Is the money that was lodged with you then paid, and if so, to whom?—It is paid to the retiring officer.

173. In the case of a promotion?—Yes.

174. And in the case of a first commission?—It forms part of the sum that is paid to a retiring officer.

175. Are you aware of the terms of the present Commission, and the object with which it has been appointed?—I am.

176. We are directed to inquire as to the extent and manner in which the practice of paying in respect of promotions and of receiving in respect of retirements sums in excess of those sanctioned by the Royal Warrant of the 3rd of February 1866 exists. Have you read the evidence given by the late Mr. Charles Hammersley before the Commission of 1857 on purchase?—Yes.

177. Can you give the present Commission any information as to the practice referred to in that evidence of paying large sums of money in excess of the regulation prices?—I have reason to believe that it exists, but perhaps before I answer any question upon it, you will allow me to draw your attention to the Act of the 49th of George the Third, which is very stringent and very comprehensive in its terms.

178. We have just referred to the clauses of that Act?—On that account I am afraid I must answer the questions very generally. I am quite willing to give all the information that I have it in my power to give, but I am in this position, that I run the risk of compromising officers, or I may do so; that is my sole difficulty.

179. We feel that you will be quite right in stating any objection that occurs to you, therefore, if I ask any question which you think will subject you to any legal consequences, which you have a right to protect yourself against, you will feel yourself at liberty to take the objection; and in answering other questions you need not give the name of any officer or regiment?—With your permission I will speak generally.

180. Do all the pecuniary arrangements with regard to promotions in the army, not only as respects the regulated price, but as respects the prices paid in excess of the regulated price, pass through your house?—No, not necessarily. The regulation money must be received by us and reported by us in the mode in which I have mentioned to the Horse Guards; but with regard to anything else, although I know that it is a matter of notoriety, the arrangements need not be and in fact are not made through us.

181. What I want to know is whether in point of fact if an officer is going to retire from the army by the sale of his commission and another officer is going to pay for the commission with a view to his

promotion, the money which it is a notorious fact is paid in excess over and above the regulation price is generally paid through your house though it may not be entered in the same account?—Yes.

182. (*Sir W. James.*) The money is paid and received through you as private bankers?—Yes, as bankers, without any explanation whatever. As a matter of fact when I see large sums of money paid to a retiring officer, I form my own conclusion as to its being a payment in excess of the regulation price.

183. (*Sir J. Scarlett*). It is paid to the officer's private account?—Yes.

184. Did you receive it as his bankers?—Yes.

185. (*Chairman.*) Is it the case that when a negotiation for the sale of a commission is going on, the price to be paid by the officer to obtain the promotion, the money to be paid by A. to B., is deposited with you and paid over without stating what it is for to the officer retiring?—That is very commonly the case. We act upon the officer's instructions as to the payment of the money.

186. Taking the brigade of Guards in the first place, can you inform the Commission what in the several steps which are obtainable by purchase in the guards is the amount paid in excess of the regulated price in time of peace?—I can give it either approximately as regards the total of the regiment or as regards individual commissions.

187. Take the promotion from ensign and lieutenant, to lieutenant and captain, will you first of all be good enough to state what the regulation price is for that step?—The regulation price is 850*l.*

188. And what is the price in ordinary times actually paid?—1,800*l.*

189. (*Lt.-Gen. Peel.*) Does it vary in any of the regiments?—Yes, the Coldstreams are rather cheaper.

190. (*Chairman.*) Can you now state what it is from lieutenant and captain, to captain and lieutenant-colonel, giving both the regulated price and the actual price paid?—The regulation price is 2,750*l.* and the extra payment is 2,750*l.*

191. Then what is actually paid is just double the regulated price?—Yes.

192. Now in the Life Guards and Blues what is it?—For a cornetcy the regulation price is 1,260*l.*, the regulation for the next step is 525*l.*, and the extra is as much more in the Life Guards, in the Blues much less.

193. Does that go through the other ranks that are purchaseable?—Yes.

194. In the same proportion?—Yes; in nearly the same proportion.

195. The extra regulation price is in fact equal to the regulation price speaking generally?—Yes; I think we may say that it is so, or nearly so, in the Guards.

196. That is the case in the Life Guards, and in the Foot Guards?—It is hardly double in the Foot Guards. The regulation price there would be 4,800*l.* for a company, and the whole price that is usually paid is 8,500*l.*

197. That is in the regiments where the price is the highest. You said that in the Coldstreams it was rather lower?—Yes, that is the price paid in the Grenadiers and the Scotch Fusilier Guards.

198. (*Sir J. Scarlett.*) In the Coldstreams it is about 300*l.* less?—Yes.

199. (*Chairman.*) In the ordinary cavalry what is the proportion between the regulation price and the over-regulation price?—The over-regulation price is more than double in the cavalry; that is to say, it is more than as much again.

200. (*Sir W. James.*) It makes the amount more than double you mean?—Yes.

201. (*Chairman.*) Will you state now what the regulation price for a troop in a cavalry regiment is?—It is now 1,800*l.*

202. What is actually paid?—The sums vary a good deal.

203. Do they vary according to the place where the regiment may be, whether it is at home or abroad, or according to the character of the regiment?—It is a regimental system which has been going on for a great number of years. It varies a little in India, I think, but as a rule the regiments have a customary extra-regulation price.

204. Does it vary very much between one regiment and another?—The proportion paid by the officers varies a good deal. In the cavalry, for instance, in some regiments a cornet will only pay 250*l.* for his lieutenancy over the regulation price, in others he will pay as much as 900*l.*

205. Can you tell us in any one regiment (without mentioning the regiment, of course) what the price is that is paid in excess of the regulation through the different steps?—I thought the question might be asked me, and I have averaged the whole of the cavalry.

206. Exclusive of the Life Guards?—Yes. I find that the average for a lieutenant-colonelcy is 10,475*l.*; for a majority, 7,381*l.*; for a troop, 4,381*l.*; and for a lieutenancy, 1,275*l.*

207. You are speaking now of the whole prices paid, including the regulation?—Yes; including the regulation, which is respectively 4,500*l.*, 3,200*l.*; 1,800*l.*, and 700*l.*, for a lieutenancy.

208. Previously to 1860 was not it the case that in a cavalry regiment the regulation price for a first commission was much higher than that for a first commission in the infantry?—Yes. On the 31st of January 1860 the cavalry prices were reduced to those of the infantry.

209. The regulation prices of all the commissions were then reduced to the same as the infantry prices?—Yes.

210. What effect did that have upon the actual price paid?—The value of the commission was reduced *pro tanto*—the old cavalry difference was deducted because that sum is now receivable from the reserve fund.

211. You speak now of the regulation price?—Yes.

212. Of course a first commission is obtainable now for 450*l.*, as in the infantry?—Yes.

213. After first commissions, in the case of promotion, is the price actually paid upon the promotion of an officer to the successive ranks in the regiment diminished?—That is diminished by the amount of the regulation difference.

214. Is the amount of the excess payment increased proportionately?—No, the over-regulation payment remains the same.

215. Therefore there has been a diminution in the gross amount of the price paid to the extent of the difference between the old regulation price and the new in the separate steps?—Exactly.

216. (*Sir J. Scarlett.*) There has been no change in the price received?—No, because the officers who were then in the cavalry, of course, expected to be reimbursed their extra money, and they always have been hitherto.

217. (*Chairman.*) Then is the effect of the reduction this, that the amount paid in excess of the regulation bears a larger proportion to the whole amount than it did before?—Certainly.

218. With regard to the infantry of the line, can you give the same information, either stating the average prices, or taking a particular regiment, without naming that regiment of course?—They vary very little. I find that the over-regulation price paid is as nearly as possible 2,500*l.* for a lieutenant-colonelcy.

219. What proportion does the excess price paid bear to the regulation price?—I think you may say that it is about a quarter.

220. A quarter in excess of the regulation price?—Yes. For instance, the regulation price would be about 45,000*l.* for a whole regiment, and the average of the whole over-regulation payments would bring it up to about 60,000*l.* about an addition of a third.

221. Have you known cases in which an officer has deposited the money with you for the regulation

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price, and refused to pay any sum in excess, and has claimed his right to the step?—Officers do not lodge the money with us until it is called for.

222. Not for the regulation price?—No, not until it is called for by a letter from the Horse Guards.

223. Do you keep a list of the purchasing officers in each regiment?—Yes.

224. Therefore you know who are purchasing and who are non-purchasing officers?—Yes, a duplicate is sent to us, and the list is sent to the Horse Guards.

225. Have you known a case of an officer who stood first upon your list of purchasing officers, who has refused to pay any excess over the regulation price?—It does often happen.

226. What is the consequence in that case, is the promotion of the regiment stopped?—The promotion of the regiment is stopped for a time, but then very often some way is found out of the difficulty. I know a case now where the two senior captains are both on the list for promotion by purchase, but they will not give more than the regulation price.

227. How long now has it been known that they will not give more than the regulation price?—I think they have always held the same language. There they remain, they are old officers, and there is no way out of the difficulty; they will wait until the commanding officer is obliged to go either by becoming a major-general or otherwise.

228. You speak of two captains?—Yes.

229. In that case is either of the majors in that regiment ready to retire provided he can get not only the regulation price but the ordinary sum in excess of it?—I have no reason to doubt that they would be in due course ready to go, but the difficulty has been with the two senior captains.

230. Therefore, practically, that difficulty stops promotion in the regiment?—It does for a certain time.

231. You mean until some circumstances, such as death or promotion, takes away either the commanding officer or one of the two majors?—Yes.

232. Do you know of any instance in which, such being the case, an officer not being able to pay more than the regulation price, and being prepared to pay the regulation price, the officers below him have contributed to make up the ordinary sum paid in excess of the regulation price so as to prevent the stoppage of promotion in the regiment?—No, I cannot recall any case of that sort. I think it very often happens that where one officer in the succession is more wealthy than another he will pay a larger proportion than the ordinary proportion in the regiment; for instance, if the senior captain is in a better worldly position than the major he will take upon himself a larger proportion of the extra money.

233. Of what the major would have to pay to become lieutenant-colonel?—Yes, but that is a matter entirely for arrangement amongst the officers themselves.

234. I am quite aware of that, but I wanted to know what these arrangements were as far as you have reason to know them. Do exchanges from one regiment to another pass through your hands. Supposing an officer wishes to exchange from the line into the Guards, what steps are taken so far as they come within your cognizance?—All that we do is to put the officers in communication with one another.

235. An officer informs you of his desire to exchange from a regiment of the line into the Guards?—Yes.

236. What do you do upon receiving that information from the officer?—If we know of any other officer who is willing to exchange we put the two officers in communication and leave them to make their own arrangements.

237. No money is paid in such a case with the sanction of the military authorities or in accordance with the law?—No.

238. I believe the Act of 1809 prohibits any money being taken for such an exchange?—Yes.

239. Does money pass upon these occasions between the two officers?—Yes, I think it does; I have reason to believe that it does.

240. Take the case of a lieutenant and captain of the Guards exchanging with a captain in the line, do you know the amount of money which is ordinarily paid by the captain in the line to the officer in the Guards to effect the exchange?—A considerable sum is usually paid, something like 2,500*l.*

241. (*Sir J. Scarlett.*) But there would be a regulation price in that case on account of the difference in the value of the commissions?—Yes.

242. For instance, the commission of a captain in the Guards is worth 2,050*l.*, and a commission of a captain in the line is worth only 1,800*l.*, so that the captain in the Guards exchanging would receive the difference in the value of the two commissions?—Yes.

243. (*Chairman.*) He would receive that by law?—Certainly.

244. What he receives in excess is the difference between that and 2,000*l.*?—Yes. He would probably receive a little more, I think, but it certainly would be fairly 2,000*l.*

245. Do you know what it is in the case, which would not be a frequent one, of a lieutenant-colonel in the line exchanging with a lieutenant-colonel and colonel in the Guards?—It is a long time since there has been such a case.

246. An officer going in that way from the Guards to the line would become the commanding officer of a regiment?—Yes, if he becomes the senior lieutenant-colonel, or if there is only one lieutenant-colonel. But the cases are very rare now in which such an exchange takes place, because unless a man was very well qualified he would hardly be allowed to exchange.

247. I know the cases are rare. But looking to the advantage that an officer going from the Guards to the line would obtain in such a case, if any money passes who receives it?—The Guards officer would receive a very considerable sum.

248. (*Maj.-Gen. Steele.*) The companies in the Guards are worth more than a regiment in the line, are they not?—Yes, a great deal more.

249. (*Chairman.*) In the case of such exchange, does not the officer who succeeds to the command of a regiment get a much better position in the army with reference to his becoming a colonel and major-general?—No, there is only one real advantage that he would get, that it would be qualifying ranks for promotion.

250. Five years spent in commanding a regiment would qualify him to be a full colonel?—Yes; whereas in the Guards a captain and lieutenant-colonel will not qualify until he becomes a mounted officer.

251. Notwithstanding that advantage a considerable sum is paid by the officer of the line to the officer exchanging with him from the Guards?—Yes, certainly, because a company in the Guards is looked upon as the choicest position in the army.

252. (*Lt.-Gen. Peel.*) I understand your evidence to be this, that in every purchasing regiment in the service there is an extra regulation price which very seldom varies much for the commissions in that regiment; that is universal?—I wish to guard myself against saying that it is universal, because if I said that it was universal it would become particular, and there might be objections to that. I say that it is common—it is usual. I will not say it is universal, and I must not be understood as saying so.

253. (*Mr. Hunt.*) Have you ever known a case of the authorities at the War Office or the Horse Guards making inquiries as to whether more than the regulation price had been given?—No.

254. (*Chairman.*) Are your house also agents for any of the new regiments which, since the amalgamation of the Indian army with the Queen's army has taken place, are non-purchase corps?—Yes, for three or four—five infantry and one cavalry, I think.

255. Are you aware whether in those regiments any money is paid in the same manner, in order to

induce officers to retire to create a step in the regiment ?—I have reason to believe that there is.

256 (*Sir. W. James.*) In the case of a major who has bought all his steps up to a majority, and paid the extra regulation price all the way up, and who then pays the extra regulation price to get the step to lieutenant-colonel, how does he get reimbursed any part of the extra regulation price he has paid for the lower ranks ; for I suppose when he buys, the man below him would be promoted by seniority, would he not ?—No.

257. Then the major will not buy until he has sold to a captain, and so on?—Yes.

258. Therefore it is a contribution from the whole regiment ?—Yes.

259. (*Chairman.*) Is the case very frequent of a junior officer purchasing in the infantry of the line over the heads of a senior officer in the same rank ?—Yes, it occurs, not very often, but sometimes.

260. Owing to the senior officer not being able to purchase ?—Yes.

261. (*Lt.-Gen. Peel.*) Even if he was able to purchase, and there was a great chance as a senior officer of his obtaining promotion without purchase, he would not do so. For instance, supposing he was the senior lieutenant, and there was a colonel who would become a major-general in a very short time ?—He might decline to purchase.

262. And probably would do so ?—Probably he would.

263. If he had been a purchasing officer previously, and there was a great chance of his succeeding without purchasing, he would withdraw his name from the list for purchasing, would he not ?—Certainly.

264. (*Chairman.*) It would be a great inducement to a junior officer to purchase, would it not, because he would get superior rank in the regiment ?—Yes, to purchase before the vacancy occurred.

265. Can you state what is the highest price given for a lieutenant-colonelcy of a cavalry regiment ?—I must say that I merely know these things from hearsay. I think I have heard of 17,000*l.* being given.

266. And in an infantry regiment of the line what has been the highest price ?—The highest price I think that I ever heard of was 8,000*l.*

267. (*Mr. Whitbread.*) Of that 17,000*l.* how much was the regulation price ?—6,175*l.* I think was the old cavalry price.

268. (*Chairman.*) We have been told that officers who have not purchased, if they have served more than three years, are entitled to receive a certain allowance of 50*l.* or 100*l.* a year, as the case may be, for every year they have served, if they leave the army ?—Yes, that is the practice.

269. In those cases does the excess paid by the officer who is to succeed to the vacancy equal the excess that would be paid provided that officer sold his commission on the usual terms ?—That makes no difference to the over-regulation price ; the over-regulation price is always paid.

270. A non-purchasing officer, if he retires after 10 years' service, would get in some cases 1,000*l.*, and in some cases 500*l.*, according to where the service has been, in addition to which he would get the full amount ordinarily paid in excess of the regulation price ?—Decidedly. I know many cases of it. I know of many officers who either got promoted from the ranks or who got appointments without purchase in the Crimea who have since sold.

271. You have been speaking of course of ordinary times, times of peace ?—Yes.

272. What was the case during the war with regard to the value of commissions, and the extra regulation price given ?—There was very little paid over regulation.

273. In fact an officer could not leave the army if the regiment was on service, and therefore there were no commissions to be sold ?—Very few.

274. On the other hand there was the expectation, I suppose, of a great many promotions without purchase owing to deaths ?—Exactly so. Of course no officer would purchase when perhaps the next gazette might bring him the news of his promotion without purchase through a death vacancy.

275. You mean that no officer would purchase, even at the regulated price ?—Many refused.

276. When purchases did take place during the war, was anything paid in addition to the regulated price in those regiments that were on service ?—It was mainly the regulation price. The Crimean war is a good many years ago now, but my impression is that there was little or nothing but the regulation price paid then.

277. (*Mr. Whitbread.*) What is the formal step that an officer takes when he desires to sell his commission ?—He applies to the military secretary to submit his name to the Commander-in-Chief for permission to sell his commission.

278. And when the permission of the Commander-in-Chief is obtained, the officer who is next for purchase below him can claim the step at the regulation price, can he not ?—Yes.

279. Have you ever known it happen that an officer asked leave to sell from the belief that he would get over-regulation price, and then got nothing but the regulation price ?—No, his arrangements would be all made beforehand. Very careful officers would not send in their papers until the extra money was lodged. I have known that done, or at any rate he would require a guarantee from the senior purchasing officer.

280. (*Mr. Muntz.*) Was not there one notorious case a very few years ago of an officer who put his name down for purchase, and afterwards refused to pay over-regulation price, and caused a good deal of scandal. I do not wish to mention any regiment ?—I have no recollection of it. I dare say such a thing may have occurred.

281. I think it is customary for any officer who wishes to purchase to put down his name as being prepared to purchase ?—He is obliged to do so by regulation.

282. Without that he would be passed over as a matter of course ?—Yes.

283. Is the money lodged at the time that he puts down his name ?—The money is only lodged when it is called for by the military secretary.

284. Is not some security required previously ?—No, he must give a reference, and it is our duty to satisfy ourselves by inquiry that the money will be forthcoming when required.

285. In the case of the two senior captains you referred to, will they not be rendered extremely unpopular by sticking in the regiment in that way ?—No, I do not think so, they are old officers and fully entitled to promotion. I do not think it would affect their position with regard to their brother officers at all.

286. Are your house agents for the 91st infantry ?—We are not agents for the 91st.

287. If you are I would ask you whether you were aware that some time last January there was a step of promotion in that regiment, and nine senior subalterns were passed over and a young man who had recently come into the service bought over them ?—I am not aware of that. I am inclined to think that we are not agents for that regiment.

288. You stated that the average value of a lieutenant-colonelcy in the cavalry was 10,487*l.* ?—Yes.

289. As matters stand now, an officer having the misfortune to die would lose that, would he not ?—Yes, generally.

290. Except if killed in action, and then he would lose a great part of it ?—Yes.

291. The lieutenant-colonels being mostly married men, do not the greater part of them insure their lives as far as you are aware ?—No, I really do not think that they do more than other people ; of course every married man ought to insure his life, or at least he ought to make some provision for his family, particularly when he has only a life interest in his income.

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292. But if they do not insure their lives they take a risk, which is equivalent?—Yes.

293. Would not the insurance of 10,475*l.* absorb the whole of their pay?—It depends upon the age.

294. A lieutenant-colonel would be about 40 probably?—I should think it would absorb it pretty nearly; of course a commission is a very bad investment.

295. Then in fact an officer who has the command of a regiment has paid 10,475*l.* for his commission, and either taking the risk or the insurance he literally has no reward and no payment whatever for it?—I should say not; but I think officers do not look to the pay; as a matter of interest upon money it does not pay.

296. (*Mr. Hunt*). As far as you have heard has any difficulty ever arisen with respect to paying over-regulation price by reason of the scruples of officers about offending against the Regulations or the Act of Parliament?—No, I do not think so. I never heard a difficulty of that sort made, the thing is so thoroughly understood, it is so common.

297. (*Lt.-Gen. Peel.*) It did exist when a declaration was required?—Yes.

298. (*Mr. Hunt.*) Your recollection does not go back to the time when a declaration was required, I suppose?—No; I think the declaration was done away with in 1824. Perhaps I may be allowed to remark that in the last issue of the Queen's Regulations all notice of it is omitted.

299. Have you found that the omission of that notice, when the Regulations were transferred to the Royal Warrant, has given any stimulus to the practice at all?—No; I think it made no difference one way or the other; indeed I was not aware of the omission myself until the other day.

300. The practice has always been the same whatever the law has been?—The practice has always been the same whatever the law has been. The law has fallen entirely into disuse, but there it remains still unrepealed.

301. (*Mr. Whitbread.*) If a regiment is ordered to India does that affect the over-regulation price which an officer will get upon selling?—No, I do not think it does. There is not the same objection to India now that there used to be; there is greater facility of communication and higher pay; that is a great inducement to go there, of course.

302. (*Chairman.*) In Sir John Macdonald's evidence before the Commission of 1838 he states in answer to Lord Hill, who was then commander-in-chief, that he recollected one or two cases in which it came to Lord Hill's knowledge, "and more par-" ticularly the case of one regiment, in which a " transaction of that nature was reported to the " general commanding-in-chief, and the evidence " adduced in the report having left no doubt whatever " as to the facts of the case the promotions were " cancelled, and the individuals in question were in " consequence put to the most serious inconvenience." Within your recollection can you recall any case in which a promotion has been cancelled owing to the violation of the Regulations as to the price paid for it?—No, certainly not.

303. I forgot to ask you just now with regard to officers retiring,—an officer is entitled to retire after a certain number of years' service upon full pay?—After 30 years he is allowed to retire on full pay.

304. It has been stated that in those cases money is frequently given by the officer who will succeed without purchase to the step vacant by the retirement of the officer in order to induce him to retire. Would a transaction of that kind pass through your hands very much like the payments in excess of the regulation price?—Yes, exactly in the same way. I know it in the same way. I see sums of money transferred from A. to B., and I can come to no other conclusion than that it is for that purpose.

305. What is the highest amount that you have ever known paid to induce an officer to retire from the command of a regiment under those circumstances?—I think about 2,500*l.*; that is just the difference between the regulation price, and the sum that he would receive if he sold.

306. Am I right in collecting from your evidence that the practice of paying an over-regulation price is very general throughout the army, and that you consider it a well understood and recognised practice. I do not mean officially recognised by the authorities, but a practice throughout the army perfectly well understood and acted upon?—Decidedly.

307. How long have you been acting as a member of the firm of Messrs. Cox and Co.?—About 30 years.

308. And during that period you have known of no instance of any interference on the part of any authority with the practice, or of any commission having been cancelled in consequence of any evidence that that practice had been resorted to?—No, never.

309. I think you said in answer to a member of the Commission just now, that no inquiry had ever been addressed to your house for information as to that practice?—I do not recollect any.

310. (*Mr. Whitbread.*) Is there any regulation against a bonus being given to an officer to induce him to retire upon full pay in the way in which you have just now described?—No, I am not aware of any. I do not think there is.

311. That is perfectly legal as far as you know?—It is legal inasmuch as it is not forbidden. What is forbidden is paying over-regulation for a step.

312. It is illegal and contrary to the Act of Parliament as well as contrary to the Regulations to pay an officer over-regulation money, when he sells his commission; but on the other hand it does not appear to be illegal, contrary to Act of Parliament, or contrary to the Regulations to give to an officer that sum of money which, as you say, exactly represents the over-regulation money to induce him to retire upon full pay?—No, I do not think that there is any rule against it. The fact is that full pay retirements have only been in existence for a limited number of years, they began long after this Act of Parliament had fallen into disuse.

313. (*Sir W. James.*) Do you know of any cases within your knowledge of any minors having to pay for promotion in the army who were wards of the courts of Chancery?—Yes.

314. Have you known wards of the court of Chancery for whom commissions have been bought in that way?—Yes.

315. To your knowledge have the extra regulation prices been paid in those cases?—Certainly, over and over again.

316. (*Chairman.*) With the sanction of the court?—I believe that an application is made to the court for money, not specifically for a commission, but to advance the minor in his profession. I really do not know whether the judge would inquire particularly whether any portion of that was for an over-regulation payment or not, but it certainly has been paid over and over again.

317. (*Mr. Muntz.*) With regard to the bonus system, if the officers of a regiment wished to advance a step and bought out a lieutenant-colonel, would they not come under the clause which contains these words provided that every officer who shall "receive " or pay or agree to pay any sum of money" over regulation shall be punished in such and such a way. Would not the bonus in your opinion be an over-regulation price and virtually amount to buying a step?—I have not read the Act very critically.

318. It is the 8th section of the 49th of George the Third, chapter 126?—The Act of 1809 does not appear clear on that point.

319. (*Chairman.*) I have no doubt that you were quite right in stating just now that as the right to retire upon full pay after a certain number of years' service did not exist when the Act of 1809 was passed, that case was not provided for; but the Mutiny Act

in the 78th section contains these words: "Every "person who shall negotiate or receive for any pur- "pose whatsoever any money or consideration where "no price is allowed by Her Majesty's Regulations." Would those words include the case of paying money to induce an officer to retire from the service to make a vacancy in the regiment?—I have no doubt that they would.

320. (*Mr. Whitbread.*) Then perhaps you will correct the answer which you gave to my question?—It is prohibited by the Mutiny Act, but not by the Act of George the Third.

321. Is that prohibition contained in the Regulations in any way?—I am not aware of it.

322. (*Mr. Muntz.*) But this is merely a money penalty. In the Act of 1809 it is made a misdemeanour to be tried by court-martial?—Yes, it is punishable by a money penalty under the Mutiny Act.

323. (*Mr. Whitbread.*) That applies to the officer who receives it, does it not?—It seems that everybody who negotiates or receives the money is liable to the penalty, but it does not say who is to receive it. In the Act of George the Third the penalty is given to the informer.

324. (*Mr. Hunt.*) We are directed to inquire into the degree of recognition which this practice of paying over-regulation price may have received from any of our public establishments or officers?—Yes.

325. You have an experience of 30 years, I think you have told us?—Yes.

326. During those 30 years have you ever heard of over-regulation price being paid by members of the family of persons who have been in authority at the War Office or at the Horse Guards?—I think I must decline answering that question.

327. (*Lt.-Gen. Peel.*) If an officer is brought in from half-pay to sell, he merely gets the regulation price, does he not; he does not get any over-regulation?—I think I have known cases where he did; that is to say, where the half-pay officer expects a small bonus for going.

328. The half-pay officer makes an application to the Commander-in-Chief to be allowed to sell his commission?—Yes.

329. He is brought in upon full pay in order to sell it?—Yes.

330. Then he can make no bargain whatever; he comes in for the express purpose of selling?—Yes, but he finds a man who will exchange with him.

331. Supposing a lieutenant-colonel having served his five years qualifying him for promotion said, "Now I will go upon half pay if you will make up "the extra regulation price to me," then a man is brought in from the half pay who sells?—Yes.

332. That man does not get anything, it is the man who retires who is paid?—But now it is not necessary to bring in a man to sell. The War Office authorities allow any officer who has served 25 years to go on half pay without bringing in an officer of the same rank to sell, and a very good bargain they make.

333. Who make a good bargain?—The War Office; the public make a capital bargain.

334. They sell his commission?—No. They retain his commission money.

335. And give him an annuity of so much a year?—Yes, they give him an annuity of 200*l.* 5*s.* At 45 years of age he could with 4,500*l.* buy an annuity of 294*l.* a year.

336. Supposing he then makes an application to be allowed to sell his commission, they sell another lieutenant-colonelcy?—No, he is paid out of the Reserve Fund.

337. When he is upon half pay he may say, I wish to get my capital and sell; then they sell another lieutenant-colonelcy, that is to say the War Office sell two lieutenant-colonelcies; they are obliged to sell another lieutenant-colonelcy in order to pay him?—No, he is paid out of the reserve fund, but it is a very hard bargain that they make with the officer. At 45 he could buy an annuity with that money to pay him 294*l.* a year; at 50 he could buy an annuity to pay him 326*l.* a year, so that the country absolutely benefits very considerably by an officer being put upon half pay, when they take the value of his commission.

338. That is to say, that the country have become the sellers of the commission?—No. The State retains the value of the commission, 4,500*l.*, for the time, granting the officer an annuity of 200*l.* 5*s.*

339. (*Chairman.*) A part of our inquiry is into the circumstances under which the sum paid in excess of the regulation price has been irrecoverable. You have mentioned the case of the death of an officer, in which except under peculiar circumstances his family loses all he has paid, whether regulation price or a sum in excess of the regulation price; what are the other circumstances under which, while he might not lose the regulation price, he would lose the sum paid in excess of it?—His enforced retirement.

340. You mean when an officer is compelled to leave the army, and allowed to leave it by the sale of his commission?—Yes.

341. In that case he would not get anything in excess of the regulation price?—No.

342. How does the promotion go in the case of a forced retirement, does it go in the regiment or is an officer brought in from another regiment?—It depends upon the case very much. If there is anything much affecting the credit of the officer, I think the Commander-in-Chief would probably fill up the vacancy from another regiment.

343. Of course as the retirement is not voluntary, the officer retiring cannot make his own terms?—No.

344. If it went in the regiment would the officer succeeding obtain the step by payment of the regulation price only?—Yes.

345. Are there any other cases in which sums paid in excess of the regulation are irrecoverable; take the case of a reduction?—Yes, then the officers may lose their money. That was the case with two officers of the Guards some years ago. I recollect that when it was determined to make all the steps above the captain, that is, the majority and the lieutenant-colonelcy, no longer purchaseable steps in the Guards, two officers lost their money.

346. What was the rank of those officers in the Guards?—They were mounted officers. A brevet took eight out of ten field officers, and two lost their money.

347. Will you just explain how they lost their money, they were mounted officers in the Guards?—Yes.

348. How were they affected by the new regulation?—Because for the future there were no saleable commissions in the Guards above the rank of captain.

349. Therefore they could not sell the commissions they held at the time?—They could not sell the commissions they held when the change took place.

350. Then did they lose the regulation price as well as the sum paid in excess?—Yes, they did, and they never got reimbursed.

351. Not even for the regulation price?—No, they were shortly after taken as major-generals, but they had not the opportunity which they would have had without this change of getting their money back; otherwise they might have gone to half pay and got their money back.

352. They were affected in just the same way as if they had been made major-generals against their will at the time?—Yes.

353 (*Lt.-Gen. Peel.*) Another instance in which an officer would lose the extra price would be in case of any regiment coming from India, or in case of any reduction; unless the officer to be reduced is kept as a supernumerary to be absorbed when an opportunity offers, he would lose his money?—Certainly.

354. (*Chairman.*) When an officer comes from India how is he brought in?—As an ordinary half-pay officer there is extreme difficulty in getting back.

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355. (*Lt.-Gen. Peel.*) He has to pay a larger price to get in again?—Yes.

356. (*Chairman.*). To whom?—To some officer who is willing to change with him again that he may get his position.

357. (*Mr. Muntz.*) Was not that the case in several instances when there were two majors in a regiment returning home, and one was put upon half pay?—Yes, but I think now the practice is rather to leave those majors upon full pay for the time.

358. (*Chairman.*) You said that your house was agent for the regiment of artillery, I think, and for the engineers?—Yes.

359. Does anything take place in the artillery or in the engineers of the same character as that which we have been speaking of in the rest of the army?—No.

360. Is no money paid in any case to induce officers to retire, or for promotion?—No, certainly not; neither for promotion, nor retirement, nor anything of the kind. No money passes at all.

361. I do not mean any regulation money?—No; there is no regulation money, and no over-regulation money.

362. (*Mr. Hunt.*) And no bonus?—No bonus at all.

363 (*Chairman.*) How do you account for that—why should not the same motives lead officers of the Artillery to pay money to induce the retirement of a senior officer which lead officers to do so in the Indian army and in the army generally?—It has never been the practice; I can only give that answer. I think the magnitude of the corps interferes with anything like a private arrangement.

364. The promotion there is entirely by seniority?—The promotion there is entirely by seniority.

365. (*Sir. W. James.*) And from the whole corps?—Yes, that is the difficulty.

366. (*Lt.-Gen. Peel.*) But have not there been instances of officers of the Artillery and Engineers been allowed to sell their commissions, receiving the price from the reserve fund?—Yes, there have.

367. (*Chairman.*) That was an authorised transaction?—No. Authorized by Horse Guard Circular, 15th February 1861.

368. (*Sir. J. Scarlett.*) And to quicken the promotion?—No, as it applied only to officers on the half-pay list.

369. (*Lt.-Gen. Peel.*) If that was general there would be the same inducement to an officer to retire in the Artillery and in the Engineers as in any other regiment, would there not?—Yes.

370. (*Chairman.*) Can you tell the average term of service when an officer of the line attains the rank of lieutenant-colonel, and when an officer in the Artillery and the Engineers attains that rank?—A reference to Hart will tell that at once; but the case of the Artillery is becoming more aggravated every year.

371. Does it require a much longer time to attain the rank of lieutenant-colonel in the Artillery than it does upon the average for an officer entering a regiment of the line to attain that rank?—Very considerably more in ordinary times, but the Artillery is still enjoying the great current of promotion which they have had from 1844, I think when the augmentation began, but the term of service before promotion is becoming longer every year.

372. I see in looking back to the evidence taken before the Commission of 1857 upon purchase in the army, that the advocates of the purchase system state that one very beneficial result of that system is that it produces rapid regimental promotion?—There is no doubt of it.

373. Do you believe that the rapidity of promotion would be the same, and that that advantage would be as great, if the regulation price were strictly adhered to, and no money was given in excess of the regulation price?—No, I think that the over-regulation price is the natural sequence of the purchase system; it is a corollary of the system, and I think it increases its advantages or disadvantages according as the opinion may be upon the general question.

374. Do you believe that there are many officers who are induced to retire by the larger sums given in excess of the regulation price who would not retire if they had only the regulation price?—No doubt there are.

375. Do you believe that there is any possibility, if the purchase system continues in the army, of checking the practice of paying sums in excess of the regulation price?—I think it would be very difficult. There was a very stringent declaration that officers had to make in old days upon the subject. That did not have the effect of stopping it, and I do not know what other steps could be taken for the purpose.

376. Do you believe that when one man has something valuable to sell and another wants to buy it, you could by law or regulation fix a price beyond which the seller is not to go?—I think not. I think that it is impossible.

377. (*Mr. Muntz.*) Then the only way to stop the over-regulation payment would be to do away with the regulation money?—Yes, if it were possible.

378. (*Chairman.*) But even in the Indian army, where there was no regulation price, did not something of this kind take place?—In the Indian army they have the system of a "purse," everybody subscribed all through.

379. To buy out a senior officer?—Yes.

380. You have been speaking now almost exclusively of regimental promotion?—Yes.

381. It is the case sometimes that an officer obtains his promotion in another regiment, when that is the case on what terms does he do it. If such a thing is possible as obtaining his promotion by purchase in another regiment, would he, in that case, pay the price in addition to the regulation price just as if he was promoted in his own regiment?—I should say not, but cases of that kind occur very rarely. I think when a man gets promotion by purchase out of his own corps it is in some such way as this: In a West Indian regiment, for example, sometimes there may happen to be no officers for purchase, and then the Commander-in-Chief will select an officer from another corps.

382. In that case I presume he would purchase upon the same terms as if he had been in the regiment?—For the regulation price only, because there is nobody to make a bargain with him.

383. There is no competition in fact?—No.

384. (*Lt.-Gen. Peel.*) For instance, if a regiment was to be reduced, no officer in the regiment would purchase, because he would know that he would be immediately reduced?—No, nobody would buy a commission when the regiment was going to be immediately reduced.

385. (*Mr. Whitbread.*) Is the reason why an officer selling in that case does not get more than the regulation price because he does not know who his successor is to be?—Yes.

The witness withdrew.

Adjourned to Tuesday next at 1 o'clock.

Tuesday, 3rd May 1870.

PRESENT:

THE RIGHT HONOURABLE SIR GEORGE GREY, BART., M.P., G.C.B., IN THE CHAIR.

THE RIGHT HON. THE EARL OF DEVON.	MAJOR-GENERAL STEELE, C.B.
THE RIGHT HON. G. WARD HUNT, M.P.	SAMUEL WHITBREAD, ESQ., M.P.
LIEUT.-GENERAL SIR JAMES YORKE SCARLETT, G.C.B.	P. H. MUNTZ, ESQ. M. P.

R. H. KNOX, ESQ., *Secretary.*

LIEUT.-GENERAL SIR EDWARD LUGARD, G.C.B., further examined.

Lt.-Gen. Sir E. Lugard, G.C.B.

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386. (*Chairman.*) Will you turn to question 107, in the printed copy of the evidence which you have previously given; the question related to the warrant which was passed in 1856, under which, for the first time, it was provided that in the event of an officer being killed in action, or dying within six months of wounds received in face of the enemy, his family should receive a sum, under certain circumstances, equal to the regulation price of his commission?—Yes.

387. If you look at your answer, I think that you will see that you merely stated the former part of that warrant, and did not read the rules and regulations at page 2 (the first paragraph), which were substituted for the warrant which was withdrawn. There is a material passage in that document which I should wish you to put upon the evidence; will you be good enough to add that paragraph?—"The amount of "money to be paid to a widow. Widow and children, "or other relatives of an officer killed in action, or "dying of wounds received in face of the enemy "within six months after being wounded, shall, what-"ever branch of the service he may have belonged "to, be the regulation price fixed for commissions "in cavalry and infantry of the line, as set forth in "the following scale, viz.:—

		Cavalry.	Infantry.
		£	£
To the widow, widow and children, children, father, mother, sister or sisters of	Lieut. Col.	6,175	4,300
Ditto	Major	4,575	3,200
Ditto	Captain	3,225	1,800
Ditto	Lieutenant	1,190	700
Ditto	Cornet	840	—
Ditto	Ensign	- -	450

"But it shall in no case exceed the sum of money "actually paid, in conformity with the regulation "price, by the officer for the purchase of his com-"mission or commissions."

388. You were asked in your last examination, as to an officer retiring on full pay, and as to the arrangements which were believed to be made between the officer about to retire, and the officer about to succeed. When is an officer entitled to retire upon half pay?—After 25 years' service.

389. If he retires upon half pay, how does the promotion go?—According to the present regulation the promotion goes in the regiment by purchase, and the purchase money is made over to the reserve fund to purchase out some other officer on the half-pay list.

390. The regulation price of the commission is carried to the credit of the reserve fund?—Yes.

391. In those cases, have you reason to believe that some arrangement is made by the officer who is retiring, and the officer who is succeeding, by which a sum equal to the over-regulation price is paid to the officer going on half pay?—I have no doubt of it.

392. You were asked some questions as to the circumstances in which an officer is liable to lose the purchase money which is paid for his commission?—Yes.

393. I do not think that you quite exhausted those cases?—I should have said that he lost the purchase money by his promotion to the rank of General Officer on the fixed establishment. There is a fixed establishment of General Officers, and there is what the Admiralty would call the reserve list. An officer gets the nominal rank of a General, but he draws the half pay of the rank which he formerly held. For instance, an officer may be a Major-General, or a Lieutenant-General, but still only a half-pay Major, and he is then not on the establishment; but up to the age of 60 he may realize the value of his majority, or his lieut.-colonelcy, or whatever commission he held.

394. Am I to understand that a general can hold the commission upon which he last served in the army?—Yes.

395. And he can obtain only the regulation price for it?—Yes.

396. (*Sir J. Scarlett.*) Did you ever hear of a general officer selling?—Yes, when not on the fixed establishment.

397. (*Chairman.*) Under those circumstances there is no officer who is interested to give more than the regulation price?—No, he only gets the regulation price.

398. Therefore in that case he would lose whatever sum he had paid in addition to the regulation price?—Yes.

399. If an officer retires on full pay does not he lose the regulation price of his commissions and obtain nothing for them?—He obtains nothing for them; he gets his full pay.

400. He loses his regulation price but he receives an amount equal to the extra regulation price?—Yes, I should say so.

401. Does the same thing happen if an officer retires upon half pay?—It may depend upon circumstances, namely, as to how the vacancy in the regiment is filled up. If it is filled up by a half-pay officer being brought in to sell an arrangement may be made by the officers of the regiment giving the retiring officer a certain sum to bring in the other officer.

402. Is not an officer who goes upon half pay entitled afterwards to sell his commission?—Yes, according to the regulation price.

403. After a certain number of years' service?—After 20 years' service he is entitled to full price.

404. Supposing that he is again brought in upon full pay upon what terms does he come in if he exchanges with an officer so as to come in again upon full pay?—According to regulation he would be brought in to serve upon a half-pay vacancy, say that a captain retired upon half pay, and that another officer wanted to come in upon full pay, he would be brought in in the place of the captain who retired.

405. Would it be a matter of arrangement subject to the regulations?—Yes.

406. (*Maj.-Gen. Steele.*) Does it not depend upon circumstances?—Yes, this Department keeps a strict eye upon the half pay list. An officer upon temporary half pay is placed upon half pay for two years, or a year, or for six months, as the medical board may recommend. At the expiration of that time the Horse Guards are called upon to have that officer examined again, and if he has recovered we require him to be brought to full pay upon the first opportunity.

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407. (*Chairman.*) The arrangements with regard to his being brought back would depend upon the regulations ?—Yes.

408. Do officers now purchase unattached commissions ?—Yes, but not from one another.

409. Suppose that a lieutenant-colonel on half pay wishes to obtain the command of a regiment ?—He must exchange with an officer of the regiment who is entitled to go upon half pay.

410. Is any money by law authorised to be paid by an officer umder those circumstances ?—No.

411. (*Sir J. Scarlett.*) Are you speaking of the regulation price as between full and half pay ?—It is never done because an officer suffers by it.

412. If a major obtains an unattached lieutenant-colonelcy and he wishes to come back to full pay is he not obliged to pay to the lieutenant-colonel the difference between full and half pay ?—Yes, if he has received it, but not otherwise.

413. He wishes to command a regiment and he exchanges with some officer commanding a regiment ? —Yes.

414. Is it not the custom for that officer if he wishes to come back to pay the regulated difference between full pay and half pay ?—If done it places the officer going on half pay at a disadvantage.

415. (*Chairman.*) Have you reason to believe that an officer, under those circumstances, going on half pay receives from the officer taking his place, who would receive an attached lieutenant-colonelcy, money in addition to the regulated price ?—There is not the slightest doubt of it I should say.

416. It is an arrangement between the two officers into which the payment of money enters ?—Yes.

417. Was not it more frequently the case formerly than now that officers purchased unattached commissions and then got back to full pay ?—Yes.

418. That is not sanctioned now ?—No, one officer cannot purchase from another unattached.

419. Take the case of exchanges between officers in the cavalry and in the infantry, there would be no authorised difference in the price of the commissions ? —None at all.

420. But in those cases, as the cavalry commissions are more valuable in a money point of view than the infantry commissions, on account of there being a higher price paid in excess of the regulations, does money pass between those officers ?—I do not know. I have never heard that it was so, and I have my doubts upon the point, but it may be so. Any man who wishes for a thing will pay for it if he can do so.

421. Is there any other case in which an over-regulation price is ost ?—The over-regulation price is lost on promotion to the rank of a general officer. I would refer to the regulation. The cases are, reduction to half pay from sickness, or by compulsion, death, and the refusal of the officer in the regiment first for purchase to give more than the regulation price.

422. In case of a war when regiments are on active service, is the over-regulation price paid ?—I cannot say ; I should think not ; I do not hear of these things ; I am not likely to hear of them in this office.

423. (*Mr. Whitbread.*) Is the over-regulation price affected if the regiment is ordered to a notoriously unhealthy station ?—I should think that it would be, but you must calculate the over-regulation price according to the market value of the commission ; a thing would not sell for the same amount under two different circumstances.

424. (*Chairman.*) Is an officer allowed to sell after the regiment has been ordered on foreign service in time of peace ?—I should say not. It would be entirely a matter of discipline ; it would be for the Commander-in-Chief to decide the case.

425. (*Mr. Hunt.*) Is it not the case that officers know pretty well where they are likely to be sent ?— I should say so ; it is pretty well known six months before it is officially issued.

426. (*Mr. Muntz.*) You have stated that when an officer in the command of a regiment is promoted to be a general officer he loses the over-regulation money, but that the regulation money is provided for by his full pay ; in case of his death there is a loss of the over-regulation money and of everything else, is there not ?—Yes.

427. If the officer in command of a regiment is promoted to be a general officer, and has the misfortune to die in 12 months, his regulation money and everything else is lost ?—Yes.

428. I think that 10,400*l.* was mentioned as the average amount in a cavalry regiment, and in that case everything is lost ?—Yes.

429. Are there many cases in which that money is lost ?—Yes.

430. (*Chairman.*) You have spoken of a reduction in the army, does not a process called absorption take place ?—By reduction I meant the disbandment of a regiment, and the officers are at once placed upon half pay ; but in the case of the reduction of one company or two companies in a regiment we generally leave the officers as supernumeraries and absorb them, as opportunity offers.

431. In the case of two supernumerary captains in a regiment, and of a vacancy taking place, what would be the course which would be followed ?—The practice heretofore has been for the public to take the alternate vacancies.

432. On the first an officer would be allowed to purchase the vacancy, but on the second he would not ?—Just so.

433. Would not the second officer lose the advantage of the extra-regulation price, whereas the first person would obtain it ?—Yes, the officer who sells would.

434. If a supernumerary captain wishes to retire, is he at liberty to sell his commission ?—Yes ; if it was an absorption to be taken by the public it would be purchased by the public from the reserve fund, or from a fund voted by Parliament.

435. He would obtain the regulation price, and nothing more ?—Yes.

436. (*Sir J. Scarlett.*) Would he then be promoted ?—No.

437. Then a supernumerary captain could only sell at the regulation price, and could not get any extra price ?—He might do so if it was the turn of the regiment to get the price, and then he would sell in the regiment.

438. (*Chairman.*) Is there any other information which you can give us ?—No.

The witness withdrew.

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LIEUT.-GENERAL WILLIAM FREDERICK FORSTER, K.H., examined.

439. (*Chairman.*) You are military secretary to the Field Marshal Commanding-in-Chief ?—I am.

440. How long have you held that office ?— Nearly 10 years.

441. Have you read the terms of the Commission under which we are acting ?—I understand them.

442. You know the object of our enquiry ?—Yes.

443. We have received a good deal of evidence as to the practice of paying considerably more for a commission than the regulation price, and we are also to inquire into the recognition which this practice may have received from any public department or officers. Has your attention been called to the correspondence which passed between the War Department and the Treasury upon a proposed increase of payment to cavalry officers, and the reduction in the price of cavalry commissions ?—I have read it cursorily ; it took place before I held my present office.

444. Do you infer from the statement in the correspondence that the main objection which appears to have been made by the Treasury to a proposal of

the Secretary of State for War was that an increase in the emoluments of the officers would only lead to a corresponding increase in the illegitimate price paid for commissions?—I am not aware of that circumstance.

445. Will you look at the parliamentary paper headed "Army (Pay of Officers)"?—I do not know at what period that correspondence took place, but I think that the present Commander-in-Chief was very anxious to reduce the prices of commissions in the cavalry, as compared with the infantry, because we could not at that time get candidates for the cavalry on account of the idea of the expense being so much greater.

446. Will you look at Parliamentary paper No. 210, which was presented to the House of Commons in August 1859; and will you refer to the second paragraph of a letter from the War Office to the Treasury, dated 23rd February 1859, which deals with the objection urged by the Treasury to the proposal of the Secretary of State?—That was on account of stoppages for the supply of forage for horses.

447. The correspondence relates to that as well. Is there not a reference in that correspondence to the large sums believed to be paid, in addition to the regulation prices, for all cavalry commissions, except in the case of cornets?—If that order existed (of which I have no official knowledge), I fancy that it did not then originate.

448. Is it not a fact that extra-regulation prices were paid for cavalry and infantry commissions?—It seems to have been considered so, and it seems to have been admitted, but in the position which I hold I know nothing of the matter whatever.

449. Will you look at the last paragraph of the letter dated the 18th June 1859, which is as follows: "My Lords are glad to find from your letter of the "20th ultimo, that Major-General Peel cannot ac- "quiesce in the justice of their assumption that the "officers of cavalry regiments are in the habit of "paying more than the regulation price for their "promotion. They are aware, of course, that such "payments are illegal, and that they would subject "the offender to the loss of his commission, and to "other punishments, if the letter of the law were "enforced; but they are also aware that in past "times this law has not always been acted on; and "they are therefore induced to ask whether it is "now the intention of Major-General Peel to adopt "any new regulations for strictly enforcing it; as, "should this be the case, it will remove the ob- "jection which my Lords feel to the measure now "recommended."?—I take it for granted that if it came to the knowledge of the Commander-in-Chief officially, that an over-regulation price was given proper steps would be taken to correct the matter, or to punish the offender; but I myself do not think that it is possible to find it out.

450. Will you look at Parliamentary Paper No. 88, of the year 1860, and in which there is a letter from Sir Charles Yorke, who was then, I believe, military secretary to the Commander-in-Chief, in which he answers that enquiry which appears to have been forwarded from the Secretary of State to the Commander-in-Chief; will you be good enough to look at the second paragraph of that letter, which is as follows: "In reply to Mr. Herbert's request to be "informed of the nature of the regulations which His "Royal Highness would suggest for this purpose, I "am directed by His Royal Highness to state that "in his opinion the provisions of the enactment in "question are as stringent as can be desired, and "that he would be ready to carry them into effect in "any case where the infringement of them should be "brought to his knowledge, but that he is not pre- "pared to suggest any additional regulations on the "subject"?—I can understand that perfectly.

451. Do you believe that any additional regulations could be devised which would check this practice?—No, I think that it is impossible.

452. I will now call your attention to a subsequent letter in that correspondence; it is a letter from Sir Edward Lugard to the secretary to the Treasury of the 23rd January 1860. Will you look at page 11? You will there find the following passages: "In the "doubts expressed by their Lordships as to the "possibility of an exercise of the Commander-in- "Chief's authority to prevent the practice of giving "illegitimate sums under the new system, and in the "supposition that if such an exertion of authority "were actually possible it could not stop short of the "infliction upon the offender of the extreme punish- "ment laid down by Act of Parliament, of dismissal "from the service, their Lordships appear to have "overlooked the wide distinction between moral and "legal evidence. The moral certainty which would "justify the Commander-in-Chief in taking such a "step as that of bringing in an officer from another "regiment to purchase at the regulation price, a step "which though somewhat unusual, by no means ex- "ceeds the undoubted prerogative of the Commander- "in-Chief might yet be totally insufficient to bring "forward as legal evidence of facts which called for "the interposition of the law. The well-known "difficulty of furnishing evidence in a court of law "sufficient to prove the commission of even the "simplest facts would extend in an exaggerated "degree to a transaction so secretly and confidentially "conducted as the sale of a commission at an ille- "gitimate price. At the same time though it might "be impossible to find legal evidence of the contra- "vention of the law it would be within the power of "the Commander-in-Chief to obtain satisfactory in- "formation of the fact affording that moral certainty "which in all practical matters is sufficient to act "upon, and which would justify His Royal Highness "in taking steps to prevent the completion of an ille- "gitimate bargain. Notoriety affords sufficient "ground for taking measures beforehand to defeat an "improper negotiation, though it may fail to furnish "the legal evidence which would be necessary to "bring home to an offender the commission of an "illegal act. The evil of giving large sums above "the authorised price for commissions in the cavalry "would perhaps under the proposed system not be "entirely eradicated, but it would at least be very "considerably diminished in extent and the contra- "vention of the law in regard to the sale of commis- "sions would daily become more difficult and likely "to be discovered." Has the Commander-in-Chief within your knowledge ever obtained that moral certainty which in the opinion of the then Secretary of State would authorise him to interfere to prevent the completion of a transaction of this illegal character?—Never.

453. Have you read the evidence which was given by Sir John Macdonald on the Commission upon naval and military promotion and retirement in 1838?—I have read it cursorily, but probably I am not quite master of the subject.

454. After stating that the regulation price is not adhered to, he was asked by Lord Hill at question 1919 in that evidence, "Do you ever remember an instance "within the last two or three years where it came to "my knowledge that more had been given than the "regulation allowed, and that ordered it to be "cancelled?" To which he replied, "I recollect "one or two cases in which it came to your Lord- "ship's knowledge, and more particularly the case of "one regiment, in which a transaction of that nature "was reported to the General Commanding-in-Chief, "and the evidence adduced in the report having left "no doubt whatever as to the facts of the case, the "promotions were cancelled, and the individuals in "question were in consequence put to the most serious "inconvenience." Has any case occurred within your own experience in which a report of that nature has been made to the General Commanding-in-Chief, and any steps have been taken in consequence of it?—I never knew an instance of it.

455. Have you looked at the records of the office so

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as to be able to state whether any notice was taken by the Commander-in-Chief in a case of that nature?—No.

456. I hold in my hand a letter from the Horse Guards dated in 1834, signed by Lord Fitzroy Somerset, in which it is stated that a captain of the 55th Foot submitted to the General Commanding-in-Chief a statement by which it appeared that a lieutenant in that regiment agreed to give 300*l.* above the regulation price. It seems that the Commander-in-Chief had that case under his consideration and considered the manner in which the King could best mark his disapprobation of it, and it resulted in one year being deducted from the officer's time. No case of that sort has occurred in your experience?—No.

457. Has any enquiry been made into such a case where there has been a supposition of its existence? No, I do not think that anything has occurred to make it necessary to institute any enquiry.

458. Do you know of any case in which an officer who has been returned for purchase has refused to give more than the regulation price, and has appealed to the Commander-in-Chief for his protection in consequence of the inconvenience resulting in the regiment?—I do not remember such an instance.

459. In the same evidence of Sir John Macdonald at question 1924, he was asked, "Do not the "Horse Guards on all occasions support the first "officer for purchase, if he is only willing to give "the sum fixed by the regulation; and if he should "make himself obnoxious on that account, which you "have stated to be the case, and that great unpopu-"larity may attach to that officer, is he not on every "occasion, having strictly adhered to the regulation "and insisting upon his right, supported by the "Commander-in-Chief at the Horse Guards?" He answers, "Invariably, I have cases in my view of the "kind?"—I should say so most decidedly.

460. Have any cases of that kind occurred during the ten years for which you have held your present office?—No, but if they did occur the officers would be reported to the Commander-in-Chief.

461. Has any case come within your knowledge in which an officer has been willing to pay the regulation price, but nothing beyond it?—No, I know of no price beyond that prescribed by the regulation.

462. Would it be possible for you in the office to ascertain whether within the last 30 years any cases of that sort have occurred?—Certainly; but it would occupy much time and labour, and probably without any result.

463. And whether any officer has been reported to the Commander-in-Chief as having given more than the regulation price?—I know of no such cases, but I will make every search.

464. We have a statement by an officer before the Commission on naval and military promotion and retirement, that the promotions were cancelled. The report in that case to the General Commanding-in-Chief would be in the office?—That is 32 years ago. If you will kindly allow a memorandum to be made of it, I will look for it.

465. We have two cases in 1833 and 1834, in one of which Lord Hill appears to have objected to more than the regulation price having been paid, and to have cancelled the commission, and in the other case the officer was deprived of a year's seniority. Since that time has any case been reported to the Horse Guards?—If the Secretary will be kind enough to make a note of that I will refer to it.

466. (*Mr. Hunt.*) Has your attention been called to a letter of Mr. Sidney Herbert, who was then Secretary of State, to the Commander-in-Chief dated 11th November 1859, in which the following passage occurs: "A long correspondence has passed with the "Treasury on the subject. Their Lordships have "argued that the regulation cost of Commissions is "already very high, that notoriously a price beyond "the regulation is habitually given, and that as the "price of a Commission is to a certain degree a "capitalization of the profit derivable from it, the "price must fluctuate with the pay, and the con-"sequence of the reduction of the forage stoppage "would simply be to augment the already exorbitant "price of the Commission, and so make the cavalry "service as unattainable, as now, to men of moderate "means?"—No.

467. Then there is another passage which goes on to say: "It seems to me, however, quite clear that "the first Commission should be reduced. 1st. Be-"cause the expenses of outfit are very heavy, and of "course fall harder on first joining. 2nd. Because "that is the only Commission which is thoroughly "under the control of the military authorities, as "there is no illegitimate price beyond the regulation "price for it." Should you say that when those arguments were made use of in a correspondence between the Secretary of State for War, and the Commander-in-Chief, the practice has no recognition from the authorities?—It has no official recognition.

468. This is an official letter from the Secretary of State for War, to the General Commanding-in-Chief. When those arguments are made use of in an official letter, should you say that the practice has no official recognition?—The great thing would be to produce instances of it.

469. But the letter appears to recognise the existence of the practice?—It appears to be so. I believe that it is acknowledged in the world. I can only speak of what comes before me officially. I cannot shut my ears to what I hear.

470. In the letter from the War Department to the Horse Guards, should you say that there is no recognition of the existence of the practice?—That is between the parties.

471. (*Chairman.*) Cannot you draw a distinction between the recognition of the practice, and the sanction of it?—Sanction would never be given to it. If the Commander-in-Chief had cognizance of such an affair, he would put a stop to it.

472. You mean that he would put a stop to it, if he knew that the practice existed in any particular instance?—Yes; of course he must have the evidence placed before him in order to reprimand the individual who commits the error.

473. Has any serious effort been made by the military authorities, to check the practice which everybody knows to exist?—No; because the military authorities are not officially cognizant of this practice.

474. (*Earl of Devon.*) It being spoken of in this letter as an illegitimate practice, I suppose that that would imply that the practice was not sanctioned?—Yes. Perhaps the word "illegal" would be better.

475. (*Mr. Hunt.*) Has the knowledge that such an illegitimate practice existed, deterred persons in authority at the Horse Guards and War Office from sending their sons into the army?—Certainly not.

476. Has an exception been made in the case of members of the families of such persons with regard to that illegitimate practice?—No; we know nothing about it. Every officer in the army is entitled to justice, whether he be a poor man, and in the lower class of life, or whether he be in the upper class; there is no favour of that sort. I suppose that the word "illegitimate" means not according to regulation.

477. Have sums in excess of the regulation price been paid by members of the family of persons in authority at the War Office and at the Horse Guards?—I can only say that I never paid anything of that sort myself, but I cannot answer for others.

478. In your experience do you know that it is the case that members of the family of such persons have paid for commissions sums in excess of the regulation price?—I am not aware of it; they would not consult me upon the subject.

479. Is it your belief that there has been in their case any exception to the general rule, or not?—I do not think that there is anybody in the Horse Guards who is treated differently from any other person in the army.

480. (*Mr. Muntz.*) Are you aware that a few years ago, there was a rule that officers had to make a

declaration that they had not paid beyond the regulation price?—Yes; but that rule was so evaded, that it did not act.

481. Was not it altered because it could not be subscribed to?—Yes. A man may declare that he does not give directly an extra price for his commission, but he may say, "That is a very good horse, "and I will give you a thousand guineas for it." It is an evasion. I do not mean to say that those things ever have existed, but I mean to say that money will find its full value, and that persons will pay for the true value of a thing.

482. With your great experience in the army, have you not noticed that there are some men of greater aptitude for it than others. Is it not very desirable that officers should be men of gentlemanly feeling and habits; and that they should make the army as much as possible their profession for life?—Certainly.

483. Would not the purchase system prevent men of moderate means, but otherwise of good birth and education, from entering the army?—I thought that I was to be examined on the question of over-regulation price.

484. Would not the purchase system prevent poor men of good birth and education from entering the army?—I do not find it so.

485. In that case, are they not frequently involved in great difficulties by borrowing money from money-lenders?—That is a thing into which I cannot enter. I know that a young man will be very extravagant, and that instead of the people who are rich coming down to the platform of those who are poor, the poor generally endeavour to get up to the platform of the rich, and that makes them extravagant.

486. Would not the officers whom I have just mentioned be of greater value to the Queen's service than those who have merely wealth to recommend them?—I do not know that it is possible that a man should have merely wealth to recommend him.

487. (*Sir J. Scarlett.*) The mere fact of a man's being poor does not make him a capable officer?—Not at all.

488. (*Chairman.*) You are, of course, cognizant of the Queen's Regulations which were issued in 1868?—Yes.

489. Are you aware that previously to 1868 the Regulations contained a distinct reference to the Act of 1809, prohibiting the payment of any money in excess of the regulation price, and that that was omitted in 1868 from the Regulations of the Horse Guards issued with the sanction of the Secretary of State?—Yes.

490. Can you inform us of the reason of that omission?—It was because it was believed that the rule, as it then existed, was constantly evaded. Although it might be acknowledged that these things took place, it was a very difficult thing to prevent the money being paid in some other way than by being paid down upon the table.

491. Do you mean that it was thought that the Act of 1809 was perfectly obsolete, and that therefore it was no longer expedient to call the attention of the officers to it in the Queen's Regulations?—I consider so.

492. Do you not think that to a certain extent that was a recognition of the practice, and an intimation that the law would not be put in force against any persons who were guilty of the practice?—I have mentioned two or three instances in which it was discovered that it acted improperly. I do not think that it was from any official information, but more from the information derived in the world at large. You heard that people had given so much for their sons' commissions, but it was not officially brought before the authorities.

493. Was reference to the Act of 1809 omitted because it was felt almost hopeless to prevent that practice?—I should view it in that light.

494. You stated that in 1859 it was felt almost hopeless to obtain candidates for cornets' commissions?—Yes.

495. And consequently the price was reduced in 1859. Has the difficulty been removed with respect to obtaining candidates for cornets' commissions, or are there still vacancies?—Yes, we have a large number of candidates waiting for commissions in the cavalry who have passed their examinations, and many candidates on the list for that branch of the service who have not yet been examined.

496. Do you attribute that to the reduction in the price of cavalry commissions?—Yes, because when the change was made we had no candidates for the cavalry.

497. Was that owing to the high price of a cornet's commission?—I think that when the world saw that the expense of a cavalry commission was very much reduced it had the effect of inducing young men to enter the cavalry instead of the infantry.

498. Are you aware of the effect which that has had upon the over-regulation price in the cavalry?—I have nothing to do with the over-regulation price All that I can say is, that it appears to have had a good effect, inasmuch as we have many more candidates for the cavalry now than we had in those days.

499. Is not promotion now almost exclusively regimental?—Almost without exception.

500. So that upon the retirement of an officer the senior officer in the rank below him, if he is qualified, succeeds him?—Yes; it may be quite possible that an officer had not served the length of time, but he succeeds if he is qualified by length of service, and in other respects.

501. Is not the consequence of that that the retiring officer always knows the officer who is to succeed him, and has an opportunity of making a private arrangement with him?—I conceive that every officer in the regiment knows who is the individual in the next grade for purchase, so that he takes it for granted that he is the individual who is to succeed him.

502. Is the case common of an exchange between the officer commanding one regiment and an officer commanding another?—Yes.

503. That can only be done by the sanction of the Commander-in-Chief?—Yes.

504. What circumstances would lead the Commander-in-Chief to sanction such an exchange?—One officer, for certain reasons, might like to serve at home. It is much more expensive to serve at home than if a man has to go to India. We may suppose that a man wishes to go to India who has a large family and wishes to save money for the benefit of his family. I do not think that the Commander-in-Chief ever makes any objection to that when he is satisfied that it would not deteriorate the service, and that no one would be injured by it; but His Royal Highness constantly objects to bring an officer into a regiment who is of less service than the senior of the next grade.

505. But is there not an opportunity of officers making a pecuniary arrangement?—It is possible that they might do so. When an officer exchanges he is obliged to sign a certificate that he has no intention to sell, but that he intends to do duty with the regiment into which he exchanges.

506. Is there any reason why officers so exchanging should not do so?—I think that there is a limit.

507. I ask the question because it has been stated that when an officer cannot obtain from the officers of his own regiment the sum which he requires, he exchanges into another regiment and obtains the sum which he asks; the effect of which would be to stop promotion in his own regiment; do you know of any instance of that kind?—I know of several instances in which an officer after exchanging from one regiment to another has very soon asked to sell his commission, and it has been constantly refused because it was considered that it took away the advantage of the step from the regiment to which he belonged.

508. Then is it the case that the existing regulations, or the authority which is now exercised by the

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Commander-in-Chief, would prevent any such transaction as that which I have mentioned?—Yes, the usual practice is that those who exchange must serve for not less than six months. In six months certain things may occur to make an officer anxious to sell his commission.

509. We are also directed to enquire into the circumstances under which the price paid by an officer for his commission is lost. We have received evidence upon that subject, and it appears that the price is lost by death, his compulsory retirement by the sentence of court-martial, or by the officer's promotion to the rank of major-general?—I should not include the promotion to the rank of major-general because I can mention several instances where commanding officers have come into what they call clear vacancies, and have sold their commissions as lieutenant-colonels.

510. Then I should add promotion to the rank of major-general upon a fixed establishment?—Yes.

511. If an officer was compelled to retire by the sale of his commission he would in that case lose all that he had paid over the regulation price?—I cannot say.

512. If an officer is compelled to retire and is allowed to do so upon the sale of his commission, does he know what officer will succeed him?—No, because in many cases the other officer will come from another regiment. If an officer is removed from his regiment on account of incapacity, or any other cause which necessitates his removal, the Commander-in-Chief will appoint another officer.

513. Is it not the case that where the retirement is compulsory no arrangement can be made with the officer to succeed the officer who retires?—There is a sort of feeling in the army that an officer generally wants to obtain from another what he has given himself.

514. Do you mean that if from misconduct an officer is required to retire from the army and is allowed to do so by the sale of his commission, he receives something beyond the regulation price?—I have no official knowledge of anything beyond the regulation price, but I daresay there have been instances where an officer has said, "I must take the "regulation because I must go," and if that officer had given a reasonable price for his commission the other officers concerned might be induced to make some arrangement for his profit so as not to take advantage of that.

515. (*Sir J. Scarlett.*) Generally speaking the promotion would not go in a regiment where the officer is in the regiment?—Just so, but a man may be worn out, and he may have served well and with distinction, but old age overtakes him, and it might be said to him, "I am very sorry to say that you are no "longer fit to command a regiment, and I must "refer your case to the Commander-in-Chief," and his discretion would be exercised in a case of that sort.

516. (*Chairman.*) Take the case of a reduction in a regiment, what is the effect of it upon any officer in the regiment when promotion is stopped by reduction?—The effect was that the lieutenant-colonels of the Coldstreams and of the Third Regiment were affected by it very materially.

517. Taking the case of the two regiments of the Coldstream and of the Fusilier Guards, in what way will the colonels suffer?—Because it is understood that under the existing practice they will not get the same amount as they would previously have done.

518. Of what does that amount consist?—I am told that it differs in different regiments.

519. You are now speaking merely of the over-regulation price which they have given, and which they expect to get back?—Yes.

520. Are those cases taken into consideration by the Horse Guards in the case of a reduction?—They are not officially known at the Horse Guards; the case you probably refer to was that of an officer who was promoted in the Grenadier Guards, and the vacancy was not filled up.

521. The officer who would have purchased the commission if the other officer had sold, was not promoted?—No; the officer was promoted to the rank of major-general and it became a clear vacancy. Up to that time all the other officers had been promoted, but on this occasion it was stopped because the desire of the Secretary of State was to reduce the number of field officers in each regiment of Foot Guards by one.

522. No officer has been promoted in either of the other regiments to the rank of major-general?—No, not since that occasion.

523. Is it the case that neither of those officers can sell?—If an officer so situated wished to sell he could do so, but a captain and lieutenant-colonel would not be promoted, the supernumerary field officer would be absorbed.

524. What price would he receive for his commission?—He could sell receiving the regulation value of his commission.

525. From what source would they get the regulation price?—They would probably get it from what we call the reserve fund.

526. Supposing that either of those officers went upon half pay how would he be affected?—The vacancy would not be filled up.

527. Is it the case that the custom which exists in the army rests merely upon practice, and that it is not authorised by law or by the Queen's regulations?—It rests upon custom. It certainly is not authorised by law or Queen's regulations.

528. In all other cases of reduction in the army, would not an officer if he sells get the regulation price?—Yes, if money was taken for the purchase of these Commissions from the reserve fund.

529. Can you give us a statement of the number of promotions which have taken place in the army in the last two years, distinguishing those which have been by purchase, and those which have been without purchase, and showing the ranks to which the promotion has been made?—Yes. I think that that could be done.

530. Could you also give the number of absorptions of commissions, distinguishing those which were by purchase, and those which were not?—Yes.

531. How long is it since the rule has been adopted of paying to an officer who has not paid for his commission a sum equal to an annual allowance of 100*l.* or 50*l.* for the time for which he has served?—In May, 1862, it was decided that 100*l.* should be granted to an officer for each year's service abroad, and 50*l.* for similar service at home.

532. It was stated in the course of the evidence given before the Purchase Commission in 1857, that the great advantage of the purchase system was the rapidity of promotion which it gave?—It appears to me that the purchase system benefits the non-purchase men to a very great extent.

533. It was stated that the advantage of the purchase system was, that it produced rapidity of promotion. Do you think that that rapidity of promotion would be equal to what it is now, if only regulation prices were given, or do you think that it would be greatly reduced, if only regulation prices were given?—I think that it would be reduced if only regulation prices were given.

534. Do you think that there are officers who are now induced to retire from the army by the large prices which are given, who would not be so induced if only the regulation prices were given?—Yes; I think that there is a great inducement for old officers of the army to sell out for the benefit of their families.

535. As long as the purchase system is maintained do you think that it is possible to maintain the regulation prices?—I think not.

536. (*Mr. Whitbread.*) That of course is qualified by the succession being regimental?—Yes; it follows as a matter of course. If persons get more than the regulation price they know who are the individuals with whom they have to deal.

537. Not going back beyond the beginning of the present century, we have had evidence before us that the authorities have taken steps by Act of Parliament and by regulations to check over-regulation payments. You have said that the regulations have been abandoned and that no step has been taken in the matter?—Yes.

538. Is it not true that if the authorities have not recognised the over-regulation price they have at least ceased actively to combat the practice?—All that I can say is, that there is a certain regulation price laid down for each commission, and that if it came to the knowledge of the Commander-in-Chief officially that any individual has paid more than that amount he would take steps upon it.

539. Is it not the fact that if the authorities have not recognised the practice they have, at least, ceased to take active steps to endeavour to put it down?—It would be almost impossible to do so. In the year 1803–4, when Sir Willoughby Gordon was military secretary, he called attention to the fact that the rules then insisted upon had been infringed, and he said that if instances were brought to the notice of the Commander-in-Chief he would inflict the penalty which they deserved.

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540. (*Earl of Devon.*) You do not recollect any instance in which such proceedings have been taken?—No.

541. (*Sir J. Scarlett.*) Unless officers betray themselves in some way you have no means of coming at the fact?—If an officer gives his sanction I look to the names which are recorded for purchase, and I then desire an intimation to be made to the agent that a promotion is going forward, and that certain officers are selected, and that I beg to know whether the purchase money has been paid. That is all that I have to do.

542. Without having some proof it would be impossible for you to take any steps to prevent an over-regulation payment?—Yes, these things are all arranged, I presume, privately by the parties concerned.

The witness withdrew.

Adjourned.

Friday, 6th May 1870.

PRESENT:

THE RIGHT HONOURABLE SIR GEORGE GREY, BART, M.P., IN THE CHAIR.

THE RIGHT HON. THE EARL OF DEVON.	LIEUT.-GENERAL SIR JAMES YORKE SCARLETT, K.C.B.
THE RIGHT HON. LIEUT.-GEN. PEEL.	MAJOR-GENERAL STEELE, C.B.
THE RIGHT HON. G. WARD HUNT, M.P.	SAMUEL WHITBREAD, ESQ., M.P.
VICE-CHANCELLOR SIR W. M. JAMES.	P. H. MUNTZ, ESQ., M.P.

R. H. KNOX, ESQ., *Secretary.*

COLONEL WILLIAM DENNY examined.

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543. (*Chairman.*) Are you a retired colonel in the army?—I am. I sold out 11 years ago.

544. What were you when you sold out?—I was a full colonel of 1854.

545. Were you in command of a regiment at that time?—Yes; I was in command of a regiment then.

546. Was that regiment the 71st?—Yes; I commanded one or the other battalion of that regiment for 18 years, seven years as a major.

547. What length of service had you altogether?—About 37½ years.

548. How much of that was on full pay?—All except five or six months.

549. Was that in the same regiment?—No; I was in another regiment first.

550. In a letter in which you have expressed a wish to be examined by the Commission, you state that you have been a severe sufferer by having had your captaincy commission cancelled in September 1833 for having been concerned in giving a sum of money over the regulation price?—That is so.

551. Can you state how the fact of your having been so concerned came to the knowledge of the Commander-in-Chief?—I had better state the whole circumstances probably.

552. If you please, shortly?—In 1831 I was serving with my regiment in Canada, Colonel J——, who was then commanding the regiment, was either so ill or there were other reasons why he was told that he must either retire on half pay or sell out. This was in Canada, and Colonel J—— went away on leave, but before going away he entered into a sort of agreement with the officers of the regiment. He said "I will not exchange to half pay, but I will sell out "provided you secure me 500*l.* at the expiration of "my leave; I will sell out rather than go out on "half pay."

553. Do you mean that the officers were to secure him 500*l.* in excess of the regulation price?—Yes. After Colonel J—— went away the regiment was ordered suddenly to Bermuda on account of some rioting in the West Indies. We got as far as Bermuda. Colonel J——'s leave would expire in the month of November following, that would be in 1832. He had remained in Canada and settled there. Having known him from a child when he made up his mind to sell out and not to go upon half pay he wrote to me about it. I was the lieutenant who was to get the company. He said "I have sent in my papers, "and I beg you will collect the 500*l.* for me, as you "are one of the parties concerned." This I proceeded to do; I went to the different officers concerned. Captain M—— was the captain who would get the majority.

554. Was he the senior captain?—No, he was not the senior captain, but he was the first for purchase.

555. He was the senior captain for purchase?—Yes, I went to Captain M——, who was, I believe, perfectly aware of this transaction, as were indeed the whole regiment, and I got a letter from him in writing saying that he would give 225*l.* towards the payment to the colonel. I was to give 185*l.*, and the ensign was to give 100*l.*, and that made up the 500*l.* We did not take the major into consideration because he could not give anything; he would not give anything.

556. Did he object to give anything on principle, or was it in consequence of his circumstances that he gave nothing?—He had no objection in principle. He was a very old officer. He was commanding the depôt, and he was away at the time, therefore he was no party to the arrangement. When Colonel J—— wrote to me to collect this 500*l.* I went to the different parties; I went to Captain M——, and I said to him "We must make up the sum, and we will do it in "any way you like. Probably the fairest way would "be for me to give 185*l.*, for the ensign to give 100*l.*, "and for you to give 225*l.*" On his consenting I wrote off to Colonel J—— saying that the money would be all right, and that I had arranged everything I had taken the precaution of getting a writing from all the parties concerned, saying that they would give the sum opposite their respective names on getting

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the promotion. At the time this letter to Colonel J—— was sent there was no immediate communication with Canada, except by a round-about route through Halifax; several packets had been lost about that time. However I sent this letter, but it turned out that Colonel J——, on the strength of the promise made to him, had sent in his papers as soon as he wrote me the letter I have referred to. Then when Captain M—— saw the Gazette he said, "Colonel "J—— never could have got your letter in time for "this. I do not hold myself bound to pay that money. "I will not pay it, because Colonel J——'s papers "were sent in before he got your reply."

557. Had all the promotions consequent upon Colonel J——s' retirement been gazetted then?—No; they were not; they were to be gazetted. I assumed that before Colonel J—— could have got my letter his papers had gone in, and that when he wrote to me to collect the money he sent his papers to England to sell out, and then his letter went to me to Bermuda asking me to collect the money for him, which I did, so far as getting the promises went.

558. At what stage of the proceedings did the captain make the objection to pay?—He only made the objection after he was gazetted to the majority.

559. Then no objection was taken until all the promotions consequent upon Colonel J——'s retirement had been gazetted?—None. We were all gazetted. The end of it all was that the regiment was exceedingly disgusted with this proceeding on the part of Captain M——. There was a feeling of honour about the thing; they would not acknowledge Major M—— in any shape. They would not touch their hats to him on parade; and they would not speak to him, or anything.

560. Who was the major whom they would not acknowledge?—Major M——. He was the captain who became major. The former major who was at the depôt had got the lieutenant-colonelcy in which he was succeeded a few months afterwards. He sold out at once. Things were in this state, and the regiment was under the temporary command of Major L——. He was a very good-natured gentlemanly person. He knew all that had happened, and he thought the thing would blow over; but Major M—— would not pay this money, and I ultimately paid it all. When he refused to pay the money the regiment took the matter up.

561. The money was actually paid then?—Yes, ultimately it was paid. It was I who made up the deficiency. As I say, the regiment took the matter up, but Major M—— said he did not care. He knew the thing would not be reported, because if it was reported the whole of the promotion would be cancelled; that is, if it was made known at the Horse Guards. Just at that time Sir M—— C—— came into the regiment, and when he heard of this he said to Major L——, "I would not keep that man in "my regiment." Major L—— said, "It has never "been reported to me or I would take notice of it." I thereupon said, "Well, I will report it to you, and "there it is; it is a fact." Major L—— reported it to the general. The general sent for Major M—— and asked him about it. He said, "I was no party "to this transaction. Colonel J—— must have sent "in his papers and been gazetted out before I signed "my name to the undertaking to give the money. "Therefore I am in no way bound to pay it." He tried to reason with him, but he would not give way. The matter was then reported to the Horse Guards.

562. Was it reported to the Horse Guards that Major M—— had refused to pay a sum which he had promised to pay over regulation?—Yes. That was in the month of March. They kept us all in a great state of anxiety for a great length of time,—until September,—and in September an opportunity occurred of a captain's retiring. Captain H—— retired at that time, and when that opportunity offered the Horse Guards ungazetted the whole of the promotions except Major P——'s. They ungazetted the promotion of all of us who were concerned in the matter of the over-regulation payment.

563. They cancelled all those commissions?—Yes, our promotion was cancelled in the "Gazette" about the middle of September. At that time I came home, and I found that I had been gazetted to Captain H——'s company. The Horse Guards did it very kindly, for they did not cancel the commissions until another opportunity of promotion offered, and then in the next "Gazette" they cancelled the promotions of the ensign, lieutenant, and captain.

564. (*Maj.-Gen. Steele.*) Including Major M——'s?—Yes, including Major M——'s.

565. Although he did not give any extra money above the regulation?—Yes, although he did not give anything over regulation.

566. (*Sir J. Scarlett.*) But he had agreed to give it?—Yes; he had agreed to give it. They cancelled the whole promotion, and in the next "Gazette" I appeared as a captain by the retirement of another officer, but I lost all my 9 or 10 months' service and pay as captain, and I paid the deficiency to Colonel J—— that Captain M—— refused to pay. The end of it was that a court-martial took place; there was disagreement in the regiment, and Captain M—— had to leave; that was how it ended.

567. What was the charge before the court-martial?—It had nothing to do immediately with this matter.

568. (*Chairman.*) But it was produced by it?—Yes; quite so.

569. The only action on the part of the Horse Guards in the matter was that these promotions were cancelled on the occurrence of another vacancy, which enabled those officers to obtain the step by other means?—Yes, they obtained it directly.

570. (*Sir J. Scarlett.*) With the exception of Captain M—— ?—Yes.

571. You who were known to have paid over-regulation money, were immediately gazetted to another company?—Yes.

572. (*Lt.-Gen. Peel.*) Did Captain H——, retire upon half pay?—No; he exchanged to half pay, bringing in an officer who sold. He went away from Bermuda very ill. He had married in Canada, and having gone away from Bermuda very ill his friends thought he ought to sell out, and he did so.

573. What did he get when he sold out?—He did not get a halfpenny.

574. (*Chairman.*) You mean that he got nothing beyond the regulation price?—He did not get anything beyond the regulation.

575. (*Lt.-Gen. Peel.*) How came Colonel J—— to make the agreement with you?—It was not with me; it was with the officers generally. Captain H——, Captain G——, and Captain S—— were the men who were the seniors, and were likely to get promotion. It was they who made it. I, having been brought up with Colonel J——'s sons, and living almost intimately with his family, he wrote to me to ask me to collect the money—that is all.

576. You being the senior lieutenant for purchase?—Yes, and I therefore undertook to collect the money.

577. Did you consider that after having made that agreement with Colonel J—— you and all the other officers were bound to pay what they had promised?—Yes, but I had to pay the deficiency.

578. Therefore the only person who really suffered by the transaction was Captain M——, who having been gazetted to a majority was ungazetted?—Yes, except that we lost our ranks for nine months, or something of that kind.

579. When was it that you were all gazetted the first time?—We were all gazetted in the month of December 1832.

580. And after the gazette came out Major M—— refused to pay his quota of the 500*l.*, as I understand you, and upon that being reported subsequently to the general, the general reported it

to the Horse Guards, and they cancelled all those appointments?—Yes.

581. Were you the senior lieutenant as well as the senior for purchase?—No, I had several before me.

582. Then when Captain H—— retired did the Horse Guards pass over all those officers who were senior to you and who were not on the list for purchase, but one of whom would naturally have got Captain H——'s company when it became vacant?—No, I was still the senior for purchase. I purchased Captain H——'s company.

583. (*Chairman.*) How was the vacancy in the majority filled up then?—The vacancy in the majority was ultimately filled up by an officer being brought in from another regiment; Major P—— from the 52nd was brought into the 71st.

584. (*Lt-Gen. Peel.*) Was Captain M—— the senior captain then?—No, there were as many as three or four before him. Captain H——, Captain G——, and Captain S——.

585. Those were all very old officers who had been a long time in the service, were they not?—Yes; they were all Waterloo officers.

586. And this officer was brought in over their heads?—No; Captain M—— obtained the majority.

587. I mean afterwards when Major P—— was brought in from another regiment?—Yes, I believe it was through that, as there was a row in the regiment.

588. (*Chairman.*) Was any communication addressed from the Horse Guards to you or to any other officer stating the reasons for the cancelling of those commissions?—No, never; I received no communication on the subject.

589. You only knew the fact of your commission having been cancelled?—I only knew that, and I assumed that the Horse Guards approved of what had been done by their keeping it so long in abeyance, because there was no necessity to have kept it in abeyance as they did for about nine months.

590. (*Lt.-Gen. Peel.*) As I understand you, no official notice was given to the regiment, but when the major had been gazetted, they afterwards ungazetted him, and brought in an officer from another regiment?—Something may have been written officially to the commanding officer or to the general; but I never knew of it if anything of the kind was done.

591. (*Sir J. Scarlett.*) Were you not afterwards in command of the regiment?—Yes, for 18 years.

592. When you were in command of the regiment did you find any official letter on the subject?—No; I never saw a record upon the books relating to it.

593. Did you not find any correspondence on the subject?—No; but it is easy to ascertain the fact. You have only to refer to the Gazettes, and you will see the whole thing; you will find that we were gazetted and then ungazetted again.

594. (*Lt.-Gen. Peel.*) The officer who was brought in from another regiment was a major, was he not?—Yes; a half-pay major from the 52nd.

595. (*Chairman.*) When you sold out yourself from the command of the 71st Regiment, what did you receive for your commission?—I ought to have received nothing over regulation.

596. Do you object to tell the Commission how much you received for the sale of your commission when you sold out?—No; I sent in my papers at five minutes' notice, and consequently I had no time to make any arrangement with the officers whatever. I would not serve any longer; but after my papers had gone in, the officers of the regiment gave me 1,300*l.* of their own accord. I never asked them.

597. (*Lt.-Gen. Peel.*) The officers gave you 1,300*l.* over the regulation price?—Yes, over regulation.

598. (*Chairman.*) What would you under ordinary circumstances have received in the way of over-regulation payment if you have sold out?—I should have looked to have recouped myself the money I had expended in the purchase of my commissions.

599. How much had you expended in the purchase of your commissions?—I have a memorandum of it here. I should state that I was at the Military College at Sandhurst, when the Horse Guards wrote to say that a reduction was going to take place in the army; and although I had passed my examinations there was no chance of my getting a commission without purchase, and therefore they recommended me to purchase an ensigncy in the 15th Regiment, which, with the consent of my guardians, I did at that time. At the same time they told me that I should be placed upon half pay immediately. I remained at the Military College for six months after that, studying. My first commission was dated on the 10th of January 1822, and for six months afterwards while I was on half pay I remained at Sandhurst as an ensign. Sir T—— A—— was commanding the 71st Regiment in Ireland in that year; I went over there, being an Irishman. I knew the regiment very well, and I knew that a vacancy was going to take place. They said, we will get you into the 71st if you like to come, but you will have to give something over regulation price; and I agreed to that, and paid 200*l.* over regulation price.

600. That was in order to come from half pay to full pay, was it not?—No, to get into the 71st.

601. But you were at that time on half pay?—I was an ensign on half pay in the 15th Regiment. I was gazetted in October 1822 to the 71st Regiment.

602. (*Sir J. Scarlett.*) What sum had you paid before that?—I paid 450*l.* for my ensigncy in the 15th, and I paid 200*l.* to come into the 71st, that was over regulation. Captain B—— of the 71st was going to retire at that time, and they could not make up the money, and the colonel said, "I will get you "into the regiment, but you must come into their "views." There were a couple of hundred pounds wanting and I gave it.

603. You gave the difference between full pay and half pay I suppose?—No, that had nothing to do with the 200*l.*; it was simply an over-regulation payment. There was a deficiency of 200*l.* in the amount that they were wanting to make up for Captain B—— and I gave that; it had nothing to do with the difference between full and half pay.

604. (*Chairman.*) How did you get your lieutenancy?—I was appointed to the 71st in the way I told you, and then a matter occurred to which I wish to call your attention. After I had been appointed to the 71st for a year, Messrs. Cox and Co. wrote to me to request that I would pay 450*l.* more for my commission.

605. For a lieutenant's commission?—No, for my ensign's commission. I wrote to my guardians, and they said that there was something wrong about it, but the only answer we could get was that a half pay ensigncy could not be sold, though I purchased mine and gave 450*l.* for it. As I have said in October 1822 I was gazetted to the 71st Regiment. I then gave the 200*l.* that I have mentioned over regulation, and nearly a year after I joined the 71st I got a letter from Cox and Co. to beg that I would pay 450*l.* with the interest thereon, because the money had been unpaid up to that time.

606. Have you got that letter with you?—It is a patent fact; everybody knows it at the Horse Guards. It can easily be proved.

607. I ask whether you have got the letter with you?—No.

608. Did it state the grounds upon which that demand was made?—I can tell you what the ground was. The thing has been so often before the Horse Guards that they are sick of it. The ground was that a half-pay ensigncy could not be sold.

609. (*Sir J. Scarlett.*) You had bought a half-pay ensigncy?—Yes.

610. And they treated that transaction as null and void?—Yes, they did me out of what I had paid. The officer whose step I got in the 15th was H—— (afterwards General H——, who died lately). He was a lieutenant in the 15th, and he was going to get

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promotion to some other regiment, and it became necessary that he should get his money, although it was known that whoever came into the 15th would be put upon half pay. I knew at the time I bought my ensigncy that I should be put upon half pay, but I took it for granted that I should come upon full pay some time or other. When an opportunity offered for my coming into the 71st regiment I availed myself of it, and having paid 450*l.* for my ensigncy I never dreamt of being required to pay it over again; and I was a good deal surprised, about nine months afterwards, to get a letter from Messrs. Cox and Co., asking me for 450*l.* and the interest upon it for the time it was lost to Captain B——.

611. (*Chairman.*) Did they demand interest upon the 450*l.* from the time you joined the 71st?—From the time that I joined the 71st. Messrs. Cox and Co. have the letter, and they could show it at a moment's notice. I refused to pay the demand, and the Horse Guards wrote back after an angry correspondence and said that it must be so, and that if I did not like it I might go back to what I was before. Having joined the regiment for a year, and having gone to the expense of my outfit, I had no option but to stick to the regiment, which I did, and there was a sort of promise held out to me that if I retired my case should be entertained.

612. (*Lt.-Gen. Peel.*) In point of fact you paid 1,100*l.* altogether for the ensigncy in the 71st?—Yes, for the ensigncy.

613. When you were gazetted to the 71st what did the Gazette state; were you gazetted as an ensign?—I think it stated that I was an ensign on half pay in the 15th.

614. You were brought in then as a half-pay officer?—I was brought in as a half-pay officer.

615. (*Sir J. Scarlett.*) Did you pay any money for being brought in on full pay at that time?—No.

616. They did not make you pay the difference between half pay and full pay?—No.

617. The 200*l.* you paid an joining the 71st had nothing to do with the regulation price or with the difference between the half pay and the full pay?—No, that was quite a separate affair.

618. But naturally you ought to have paid the difference between the 15th half pay and the 71st full pay?—Yes, one would suppose so, but that did not come into their heads at all.

619. (*Lt.-Gen. Peel.*) When you were gazetted to the 15th were you not on full pay for a single day previous to reduction?—No; I never received a day's full pay there; my name never appeared in the list, either on half pay or full pay.

620. (*Sir J. Scarlett.*) Were you gazetted before the order for the reduction of the 15th was gazetted?—I was at the Military College at Sandhurst. I had passed two of my examinations, and my name was down for a commission by purchase. I knew that I should have a long time to wait, and seeing that my name was down for purchase, Messrs. Cox and Co. wrote to say that it was desirable that I should purchase an ensigncy in the 15th, but that if I did purchase I should be placed upon half pay. I thought it better to take the offer under the circumstances, and I was gazetted to the 15th. The officer in the 15th who purchased his promotion at that time got promotion in some other regiment, that was Lieutenant F—— H——, afterwards General H——; and the ensign who purchased his lieutenancy left a vacancy in the 15th. That vacancy I got, but I was put upon half pay the moment I got it. The fact is they wanted my 450*l.*

621. (*Lt.-Gen. Peel.*) There must have been a vacancy for you to be gazetted to it?—Yes.

622. If you were gazetted you must have been on full pay until the 15th was reduced?—I never received a day's full pay in the 15th.

623. (*Chairman.*) Of the 1,100*l.* which you paid altogether for your ensigncy in the 71st, 200*l.* only was over-regulation price?—Only 200*l.* was over regulation.

624. The remainder, according to your statement, was the regulation price for an ensigncy?—Yes.

625. When you got your lieutenancy how did you get it?—By purchase.

626. What did you pay for it?—I paid 100*l.* in addition to the regulation price.

627. When you got your company how much did you pay?—I was to pay 185*l.* first of all; that I recouped to the colonel, and the deficiency that I had to make up for Captain M—— was 225*l.* That brought it up to 410*l.* over the regulation price.

628. Did you purchase your majority?—I did.

629. What did you pay then?—Before I purchased my majority there were six or seven old officers who wished to retire under some particular Act. They were to retire from the service and go upon half pay, I think, and get a step of rank. Those men expected to put something in their pockets before they went, and accordingly we all gave them money in the regiment. The officers who were pretty well off contributed, and all these Waterloo officers got 700*l.* or 800*l.* apiece.

630. To induce them to retire?—Yes; and then the steps went in the regiment. Although I was a junior captain I contributed towards it pretty handsomely to get to the top of the list, so that in the course of a few years I found myself third or fourth captain in the regiment.

631. Do you mean third or fourth for purchase?—No; I was first for purchase.

632. When you purchased your majority what did you give?—I paid 1,000*l.* over regulation, and I had given about 300*l.* or 400*l.* in the way I have mentioned.

633. That is what you had previously given in the way of contributions to induce officers to retire?—Yes; altogether I paid about 1,400*l.* for my majority.

634. I suppose the officer who got your company gave you something?—He gave 1,000*l.*, which the major who retired received.

635. Did you purchase your lieutenant-colonelcy?—No; I was one of those who made a reserve battalion, and after working for six years single-handed, with no staff, and doing all the duty of the two majors, I got my lieutenant-colonelcy given to me.

636. How many years had you been in the army when you got your majority?—I got my majority in 1838. Then I must have been 16½ years in the army.

637. (*Sir J. Scarlett.*) How long was it before you got your lieutenant-colonelcy?—I became lieutenant-colonel in 1846.

638. You entered the army in 1821, did you not?—In 1822.

639. If you had never given this money your promotion would have been much slower than it was, would it not?—A great deal slower. In fact, we never should have had any promotion in the regiment if we had not given large sums of money.

640. You would have come to a dead lock?—Yes.

641. In order to move the old officers above you, you must either have paid the money, or the public must have come forward with a handsome sum?—Yes. I do not know that the public ever does come forward to do anything in that way.

642. (*Chairman.*) Do you mean that these old Waterloo officers would not have retired without receiving a sum of money to induce them to go?—Yes. Perhaps you will allow me to state a curious thing which happened when they went. I think I stated that I gave about 1,400*l.* altogether for my majority. I was only to have given 500*l.* myself personally, but the senior captain in the regiment was to retire, and to get an unattached majority. Some money was made up for him, I forget what the exact amount was, but after all that was done he came to me and said "I will not stir unless you give me 500*l.* out

" of your pocket for myself." I said " The thing is " already arranged; I will not do it." However the senior captain stuck to it, to the last moment and said, that he would not stir unless he got 500*l.* from me. I had not got 500*l.*, but he would not leave the hotel in Dublin, so I wrote to a friend of mine, and asked him to send me 500*l.*, which he did, and I gave it to the senior captain. He got 1,000*l.* altogether for going.

643. Was any remonstrance made by the officers in the regiment upon their commissions being cancelled in the way you have described, or did they ask for any explanation of the reasons why their commissions had been cancelled?—No, we did not because we knew perfectly well that the Horse Guards had no option but to cancel them, because their orders were that if anybody was found giving money over regulation, his commission would be cancelled.

644. Then did the officers acquiesce without any remonstrance in the cancelling of their commissions by the Horse Guards, because they knew that they had been doing what was illegal and could not be justified?—We acquiesced because there was no use in resisting.

645. (*Mr. Hunt.*) Had the money been paid?—Yes.

646. Was it returned?—No.

647. (*Sir J. Scarlett.*) Colonel J—— did not return the money?—Colonel J—— got all his money, and I had to make up the deficiency.

648. (*Lt.-Gen. Peel.*) There was some peculiarity as to Colonel J——'s retirement, was there not?—Yes.

649. It appears that he received 500*l.* over the regulation price; but it was the habit of the regiment for a lieutenant-colonel retiring to receive nearly 2,000*l.*, was it not?—Not at that time. You will probably recollect that these heavy over-regulation payments did not commence until the Waterloo officers were pretty well cleared off. Large sums were not given in those days for over regulation. However, Colonel J—— was not in a position to make a bargain on retiring.

650. (*Mr. Muntz.*) With regard to the 450*l.* which you paid at first when you entered the 15th Regiment, to whom did you pay it?—I paid it to Messrs. Disney and Co.

651. You were then really gazetted?—Yes, I was gazetted to the 15th Regiment.

652. On half pay?—The Gazette did not say on half pay. I was simply gazetted to the 15th Regiment.

653. Did you ever hear of another case like that?—I never heard of a case like it.

654. You said that when you joined the 71st you paid 200*l.*?—Yes, that was quite a separate thing; that was done under the rose.

655. And then you said that about six or nine months afterwards Messrs. Cox and Co. applied to you for a second payment of 450*l.*, and they insisted on that sum being paid, with interest. To whom did you pay it?—To Messrs. Cox and Co. for Captain B——; but they let me off the interest. There were two separate and distinct commissions, for which I paid 450*l.* each. I wish it to be understood that when I sold out of the army I was in such a position that I should not have received a shilling if the gentlemanly feeling of the officers of the regiment had not led them to give me what they did. My papers had gone in, and under the circumstances of my retiring so suddenly at five minutes' notice, they lodged to my credit 1,300*l.* The major who got the lieutenant-colonelcy gave 500*l.*, the captain who got the majority gave 300*l.*, and the lieutenant who got his company gave 500*l.*, so that I recouped 1,300*l.* altogether by over-regulation money. I was 1,250*l.* out of pocket when I retired from the service.

656. I think you stated that you were not the senior captain, but the senior captain for purchase at the time you obtained your majority?—I was the fourth captain.

657. But you were the senior captain for purchase?—Yes.

658. Were the three senior captains without purchase the Waterloo officers whom you mentioned?—Yes.

659. You bought over their heads?—Yes.

660. (*Sir J. Scarlett.*) Did you not say that they retired?—No; Captain L—— was the only one who retired. The other two were I—— and L——.

661. (*Lt.-Gen. Peel.*) Captain L—— afterwards commanded the regiment, I think?—No, never.

662. At what rank did he retire?—He got his majority as a major when I was made lieutenant-colonel of the reserve battalion. They made him up 3,000*l.* to induce him to retire. He retired upon full pay as a major, and with the brevet rank of lieutenant-colonel seven years later.

663. He had never purchased a commission, I think?—No. I will mention a very peculiar circumstance to the Commission upon this point, as showing the regard which was paid to Waterloo officers. I was the first for purchase in 1829—

664. (*Chairman.*) In what rank?—Lieutenant. Lieutenant L—— was my senior by a good many years. I was going to purchase over his head. He was at home at the depôt, and he applied to the Horse Guards, saying that if they would give him time he would get the money to purchase. They acceded to his request and gave him a year. He married and got some money and purchased the company that I was to have had.

665. Did he give more than the regulation price for it?—No; I do not think he did.

666. (*Mr. Muntz.*) The over-regulation price at that time was not as much as it is now, was it?—No, it was very much lower.

The witness withdrew.

COLONEL H. AIME OUVRY, C.B., examined.

667. (*Chairman.*) Are you a retired colonel in the army?—I am.

668. How long have you retired?—About three or four years.

669. When you retired were you in command of a regiment?—I was not.

670. Had you been in command of a regiment?—I had.

671. Have you retired on full pay or half pay?—I sold out from half pay.

672. How long have you served altogether?—The date of my commission was 1833.

673. That was the date of your first commission as ensign?—Yes.

674. In what year did you sell out?—I forget the exact year in which I sold out; it was about 1866, I think.

675. About four years ago?—Yes, about three or four years ago.

676. In the letter in which you offered to give evidence before the Commission you said that you had served both in the infantry and in the cavalry?—I have.

677. Did you begin with the infantry?—I was in the 68th Light Infantry as ensign.

678. Did you become a lieutenant in that regiment?—Yes.

679. What rank had you attained when you left the 68th?—I was a captain.

680. How did you obtain your two steps of lieutenant and captain in the 68th, was it by purchase?—I purchased up to the rank of major.

681. In the 68th?—No, I purchased up in the army.

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682. I am speaking of the 68th now?—I purchased in the 68th up to the rank of captain.

683. Then you obtained the two steps of lieutenant and captain in the 68th by purchase?—No; I was lieutenant in the 12th. I exchanged from the 12th to the 68th by purchase.

684. In which regiment did you begin?—I served in the 99th, in the 12th, and in the 68th in the infantry.

685. In what regiment did you become lieutenant?—I became lieutenant in the 99th I think.

686. Did you obtain your lieutenancy by purchase?—I did.

687. Have you any objection to state what you gave for your lieutenancy?—I think I gave 150*l.* over regulation.

688. How did you obtain your company?—I exchanged into the 12th.

689. As lieutenant?—As lieutenant; and I afterwards exchanged into the 68th, and there I purchased my company.

690. What did you give for your company?—I gave 3,100*l.*

691. How much was that above the regulation?—That is 1,100*l.* over regulation.

692. Did the ensign who obtained your lieutenancy contribute; did he also pay towards the sum paid to the retiring captain?—He did not contribute any part of that sum. I paid 1,100*l.* myself.

693. Do you know what the captain who retired and into whose vacancy you came received in addition to the regulation price?—His name was Captain Mackinnon. I have some memoranda here from which I think I can answer your question. I believe it was 1,000*l.*

694. Was there a fixed over-regulation price which it was generally understood was given in the 68th Regiment for the successive steps in that regiment?—Yes, I gave a comparatively large sum. The prices were from 900*l.* to 1,100*l.* in the 68th Regiment; the 68th was rather a high priced regiment.

695. Those were the prices over regulation given by lieutenants for a company?—Yes; I am perfectly aware that that is rather more than the average.

696. Did you continue in the 68th or did you exchange into any other regiment?—I remained in the 68th for a very short time after I got my company. I suppose I was in the 68th for about seven years.

697. Did you then exchange into another regiment?—I had an accident on service which prevented my remaining in an infantry regiment, and I had my choice of leaving the army or exchanging into the cavalry. I broke my leg on service, so that I could not walk. I then exchanged into the cavalry.

698. Into what regiment?—I exchanged into the 3rd Light Dragoons.

699. Did you pay anything on that exchange?—Yes.

700. What did you pay; and was that an authorised payment sanctioned by law?—I merely paid the difference between a cavalry and an infantry commission.

701. The authorised difference?—Yes.

702. Did you pay anything in addition to that?—Yes.

703. Did you pay it to the officer who exchanged with you?—Yes.

704. How much did you pay?—2,500*l.*

705. (*Sir J. Scarlett.*) You do not mean that you paid 2,500*l.* over regulation, but that that is what you paid altogether?—Yes, I paid that altogether.

706. (*Chairman.*) How much of that was over regulation?—It would be the balance between the authorised difference and 2,500*l.*

707. The difference is about 1,200*l.* I think?—Yes.

708. Then you paid 800*l.* above the regulation?—I suppose that would be about it.

709. Did you continue in that regiment?—I continued in that regiment until I exchanged into the 9th Lancers.

710. Was that as captain still?—I exchanged into the 9th Lancers as major.

711. When did you become major?—I got my majority in the 3rd Light Dragoons.

712. Did you obtain your majority by purchase?—I did.

713. What did you pay for it?—I paid 9,500*l.* and I got something out of that; so far as I can make a good calculation I paid altogether for my majority 8,000*l.* of my own money, although I agreed to give the major 9,500*l.* I got from the junior ranks a portion of it back, so that I was out of pocket just 8,000*l.*

714. How much of that 9,000*l.* was above the regulation?—It was 9,000 guineas, 9,500*l.*

715. The regulation price for a majority appears to be 4,500*l.*?—The over-regulation payment would be the difference between that and 9,000 guineas.

716. Then what you paid was nearly double the regulation price?—Yes, just about that.

717. Then you said you exchanged into another regiment as major?—I did.

718. Into the 9th Lancers?—Yes; I exchanged into the 9th Lancers, major with major.

719. There was no difference to pay; but did you pay anything upon that exchange?—No, I paid nothing.

720. Did you receive anything?—Yes, I received something.

721. What did you receive?—I received 2,000*l.*

722. Under what circumstances did that exchange take place?—The major in the 9th Lancers was serving in India, and I was serving in England.

723. You were willing to go to India and he wished to come to England?—He wished to return to England, he being able to afford to serve in England. He came to England. My commission was worth to sell in England 2,000*l.* more than it was worth to sell in India, and accordingly he gave me that difference, but that had nothing to do with the purchase, that was merely a private arrangement between us.

724. Did you continue in the 9th Lancers until you became lieutenant-colonel?—I did,

725. Did you purchase your lieutenant-colonelcy?—I did not, I got it for nothing.

726. What occasioned the vacancy?—The vacancy was occasioned by General Grant, who is now quartermaster general, being promoted to be general for distinguished service in the field.

727. Then the promotion went in the regiment without purchase?—Yes, the promotion went in the regiment without purchase in consequence of that.

728. The other steps went successively without purchase?—They all went without purchase throughout the regiment.

729. How long did you remain lieutenant-colonel in the 9th Lancers before you sold out?—I remained a few months after that; I cannot tell you exactly how many months; about six months perhaps.

730. And you then sold out?—No, I did not; I was put upon compulsory half pay.

731. Upon a reduction?—Yes as being the second lieutenant-colonel.

732. Was that upon the regiment coming to England?—Yes.

733. And then you sold out, I think you said, from half pay?—I sold out from half pay.

734. When you sold out what did you receive for your half pay lieutenant-colonelcy?—I received 4,500*l.*

735. Was that the regulation price?—Yes.

736. There was no officer with whom you could make any private arrangement then?—No, none whatever.

737. Therefore you received nothing but the regulation price?—No, I received 4,500*l.* as the regulated value of the commission, but some long time previous to this I had received other money from the reserved fund which would not appear.

738. For what did you receive that money?—That was the difference between the old rate of

commission and the new. They did away with the 6,100*l.* in the cavalry and they made it equal with the infantry 4,500*l.* That was many years previous to the time when I sold out.

739. That was in 1860 when the cavalry commissions were reduced to the same rate as the infantry?—Yes; therefore although I only received 4,500*l.* when I sold out I think you ought to take account of the fact that I had received something previously, because it was the same thing as if I had received 6,100*l.* for I had received the difference previously.

740. Is it a common practice for officers either in the infantry or the cavalry exchanging from a regiment in England to a regiment in India to receive anything for the exchange?—That is a kind of thing that there is no regulation about; but if a man serving in India wishes to exchange with a man serving in England, he goes to an agent and gets an offer. For a lieutenant-colonel the payment is generally about 2,000*l.* (as I have stated, I received 2,000*l.*), but the value of the commission in India is about 2,000*l.* less if he wishes to sell it.

741. Have you any objection to tell the Commission how you stand at the end of these transactions? Have you received altogether as much as you have paid over regulation for your commissions?—No; I have received 2,000*l.* less.

742. Did that arise from your having to sell a half-pay lieutenant-colonelcy instead of a full-pay lieutenant-colonelcy?—Yes, I had to sell a half-pay lieutenant-colonelcy. I can tell you the exact sum that I lost.

743. How could you have come back again upon full pay if you had wished to do so?—I was offered to come back to full pay by paying 8,000*l.*

744. What would have been the difference between the half pay and the full pay?—8,000*l.*

745. That includes the extra regulation payment. What is the authorised difference?—I do not know; it will appear from the Army List.

746. Do you know how much of that 8,000*l.* was over regulation?—The whole of it was over regulation.

747. Do you mean to say that apart from any over-regulation payment you would pay nothing on coming from half pay to full pay?—Nothing; because, although there is a regulated difference put down in the Army List as being the difference between full pay and half pay, it is only a myth; it is not so in fact. When an officer gets put on half pay he gets nothing given him. I applied for it, and although it is so by regulation they would not give me anything.

748. (*Sir J. Scarlett.*) If you had exchanged with any other officer you would have got the difference, would you not?—Yes.

749. But you did not do so?—No. I had served for upwards of 30 years, and I should have got the 8,000*l.* for my regiment if I had gone on half pay for my own convenience.

750. (*Chairman.*) I understand that you had no option of exchanging. You were reduced upon the regiment coming back to England?—Yes.

751. You went compulsorily upon half pay?—Yes.

752. (*Lt.-Gen. Peel.*) When an apportunity offers, do they not bring those officers back again from half pay?—But an opportunity never does offer.

753. (*Sir J. Scarlett.*) There are opportunities occasionally when an officer is brought from half pay to full pay?—I only know of one case having occurred in the last 50 years, of a colonel being brought from half pay to full pay; that is in the case of Colonel Shute. If an officer misconducts himself, the Commander-in-Chief has then an opportunity of bringing in an officer from half pay.

754. Do you remember the case of Captain Revell, who was reduced when he came from India, and has since been replaced in his regiment?—That is the case of a captain. I am speaking of colonels. There is a very great difference between the position of a captain and that of a colonel in this respect.

755. (*Chairman.*) When you purchased your successive steps, were you the senior officer in rank, or only the senior for purchase, with officers above you who were not prepared to purchase?—I doubt whether I ever purchased over anybody's head. I do not think I did; I may have done so as a lieutenant, but I do not recollect it. I know I never purchased over anyone's head as a captain.

756. Did you ever hear of any objection being made on principle by an officer, to paying the over-regulation price?—In my own regiment there was an officer who was purchased over, I suppose, 60 times, and he never made any objection to it whatever.

757. Did you ever hear of any officer objecting on principle to violate the law by paying an over-regulation price?—No, I do not know that I have.

758. Is the payment of over-regulation prices as well as regulation prices for commissions a common practice, and a practice generally understood to exist throughout the army?—Certainly it is a well-known and understood thing.

759. Have you ever known a case of an officer who was prepared to pay the regulation price but was not able to pay more standing in the way of promotion in the regiment?—Yes, I recollect the case of one officer in the infantry.

760. What rank had he?—He was the senior lieutenant.

761. Was he ready to purchase at the regulation price?—He wrote to withdraw his papers for purchase.

762. But he had been returned as a purchasing officer?—Yes; his father insisted upon it; his father went to the Horse Guards and lodged the regulation money, and, against his will, insisted upon his name being put down, but he would not pay the over-regulation price.

763. What followed?—The officers in the regiment subscribed and lent him the money.

764. Then he purchased, paying the over-regulation price?—Yes, the other officers subscribed to enable him to do so.

765. That was in order that the promotion might not be stopped in the regiment?—Yes.

766. Did his father object to his paying the over-regulation money?—Yes.

767. That objection, I presume, was on principle, and not from want of means?—He said it was on principle.

768. (*Lt.-Gen. Peel.*) Did the money so advanced to that officer become a debt of honour?—Yes; he was a very honourable man, and he said he would pay it back if he possibly could. I believe it never was paid back; but I could ascertain that if it was considered important, as I know the man, although it occurred 33 or 35 years ago.

769. (*Chairman.*) You mean that he was unable to pay it back?—Yes, he was unable; he had no money except from his father.

770. Of course the other officers advanced the money knowing that it might be impossible for him to repay it?—Yes; he said that he would pay it back if he could.

771. They advanced him the money for their own advantage as well as for his,—in order that the promotion might not be stopped in the regiment?—Yes.

772. If I understood you rightly you said that he never was able to repay it?—Yes.

773. (*Mr. Muntz.*) You stated that you knew the case of one officer who was bought over 60 times?—Yes, a great many times at all events; he is in London now.

774. Do you mean 60 times, or a great many times?—I cannot tell you for certain that it was 60, but he was 18 years in one rank.

775. What rank did he hold?—He was lieutenant.

776. I presume he was bought over because he had not put down his name for purchase?—Yes; he had no money.

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777. Do you know how long he had been in the service at that time?—He served 18 years as a lieutenant; therefore one can judge how long he had been in the service.

778. (*Earl of Devon.*) Is he a lieutenant still?—No; he sold out.

779. (*Chairman.*) Had he purchased his first commission?—No, he had not.

780. Had he purchased his second commission, his lieutenancy?—No, I think not; he got both commissions without purchase. He is now a man of large property. He left the army I should think 18 years ago; at all events it was many years ago.

781. At that time did the regulation exist by which a non-purchasing officer, if he had served more than three years, could obtain 100*l.* a year or 50*l.* a year, as the case might be, for every year he had served?—I do not know.

782. (*Lt.-Gen. Peel.*) You say that he sold out finally, therefore it must have been so?—Yes.

783. (*Sir W. James.*) Did he get the over-regulation price?—He got the regulation price.

784. And the extra regulation price too?—I daresay he did; I do not know.

785. (*Chairman.*) Although he had given nothing for his commissions?—I believe he had given nothing for his commissions, but he is in London if you wish to examine him. There is another phase of the subject which I should like to present to the Commission if you wish to hear me, and that indeed was my object in applying to be examined here. It is a phase which I think has not yet been presented to you, and that is the consequence which may occasionally follow from transferring an officer from one regiment to another. To take an example, I will suppose that it was required that the colonel of the Blues should be transferred to another regiment.

786. (*Chairman.*) You speak now of a compulsory transfer?—Yes. It is a thing which rarely or hardly ever occurs. I never knew it occur but once in the whole army, but suppose there was an expedition, say to Abyssinia, and suppose there was a particular officer of whom you said, "This is an excellent officer "to take charge of the cavalry, we will appoint him "to one of the regiments going out." If that officer is appointed to that regiment going out in that way the chances are that he may be mulcted of about 10,000*l.* perhaps. That case absolutely occurred to me, and I have got here the exact amount in figures that I was mulcted in that way.

787. Will you state the facts of your own transfer first, if you please?—I was serving in the 9th Lancers in India.

788. In what rank?—In the rank of major; I was the junior major; there were two majors in India. The regiment had served its time in India, and it had received its orders to return home. The officers had sold their horses, and were preparing to come home. Several months previously, knowing that the regiment was about to come home, and that I was the second major, and was therefore liable to be reduced on the return of the regiment, I made application to His Royal Highness the Commander-in-Chief to be placed in the relieving regiment in order that I might not be put upon half pay as the second major when the regiment arrived in England. Accordingly this was done.

789. In the relieving regiment there was an augmentation of a major?—Yes. The relieving regiment was the 2nd Dragoon Guards, and I was appointed to it, as appears by the War Office Order of the 29th of June 1857. In the July Army List my name appears in the 2nd Dragoon Guards as senior major, because when I got into that regiment I got a step immediately. When the Gazette in which my name appeared in the 2nd Dragoon Guards arrived in India it found me in the command of the 9th Lancers before Delhi.

790. As major?—I was major in command, the two lieutenant-colonels being absent. General Grant, who is now quartermaster-general, had a command, and the other lieutenant-colonel was away on leave in England. Therefore I was in command of the regiment before Delhi. When the Gazette arrived in camp I had nothing to do but to throw up the command, and I became immediately a private individual. I represented the case to the general commanding. He said, "I am very sorry, but it cannot be helped. I will "put you on my staff as aide-de-camp." However that does not bear upon the questions. As soon as the news of the mutiny arrived in England (you know the time it takes for the communications to reach this country) about six weeks afterwards they re-transferred me back to the 9th Lancers. They took me out of the 2nd Dragoon Guards without consulting me, and put me back into my old position of junior major in the 9th Lancers.

791. That regiment being ordered to remain in India, I presume?—Yes, the regiment being detained in India, although it had served its time. In consequence of this I was put upon half pay when the regiment came home to England. I have made a calculation of what that cost me, and I can state to the Committee what I lost by it.

792. Our inquiry is limited to the question of over-regulation payments; does it bear upon that subject?—It bears upon that. I was put upon half pay by a perfect error, I believe, and I have lost by that up to the present time 13,682*l.* and some shillings.

793. Will you explain how you lost that sum?—I lost it because I was put upon half pay. If I had not been re-transferred into the 9th Lancers I should have been in a valid regiment, but my transfer back into that regiment put me into a place where I was liable to reduction, and I was reduced. Otherwise, if I had retired upon half pay, which I was entitled to do, I should have got 8,000*l.* from my regiment.

794. If you had retired upon half pay from which regiment?—If I had retired from any regiment, either the 2nd Dragoon Guards or the 9th Lancers, I should have got 8,000*l.* That is now 11 years ago.

795. You mean that if you had retired upon half pay from a rank in which a captain would have succeeded you, you would have got that sum from him?—Yes.

796. But in point of fact you were put upon half pay on the reduction which took place in consequence of the regiment coming back to England?—Yes, that is the substance of it.

797. (*Sir W. James.*) The sum you lost was 8,000*l.* and interest?—Yes; the interest makes it up to the amount I mention. I had it cast up by a clerk.

798–9. (*Lt.-Gen. Peel.*) I thought you said that the difference between what you received and what you paid was 2,000*l.* and now you speak of 13,000*l.* odd?—Yes, but if you are placed upon half pay you do not get your money for your regiment.

800. Is it the fact that the only difference between what you paid and what you received was 2,000*l.*?—Yes, that is very true, but I had served for 30 years,—indeed for more than 30, for 33 years,—at that time to get into a position which was worth a certain sum. It was worth about 14,000*l.* Then instead of getting that 14,000*l.* I only got 6,000*l.*

801. Your original transfer from the 9th Lancers to the regiment in which you were placed as second major was a favour to yourself was it not?—It is the usual custom of the service to do it.

802. You were put over the head of the senior captain of that regiment who would have got the majority if you had not been appointed to it?—It is a rule of the service to do that for the second major of a regiment returning home from India.

803. (*Chairman.*) Is it the custom to put in a major from some other regiment which is coming home as the second major of a regiment which is going out to India?—Yes, in order to avoid putting the second major of a regiment that is coming home on half pay they transfer him into a regiment that is going out, and very fairly.

804. (*Lt.-Gen. Peel.*) What became of the other majority in the 9th Lancers?—The 9th Lancers came home, and then the second major went on half pay, of course.

805. (*Sir W. James.*) Who had the second majority in the relieving regiment that went out to take the place of the 9th Lancers?—They appointed another major to that. When I was put upon half pay I was a lieutenant-colonel.

806. (*Lt.-Gen. Peel.*) Who was the lieutenant-colonel in the 2nd Dragoon Guards when you were appointed second major?—I think his name was Keane.

807. Was he the senior captain in the regiment at that time?—I do not know whether he was or not; I never joined the regiment, and therefore I hardly know.

808. The fact is, you had a boon granted to you in being transferred to the 2nd Dragoon Guards, had you not?—No, I do not regard it as any boon whatever.

809. (*Chairman.*) As I understand you, you applied to be transferred from the 9th Lancers?—Yes, in order to avoid being put upon half pay upon the return of that regiment to England.

810. And I understand on the mutiny breaking out, and the 9th Lancers being retained in India, you were replaced in the 9th without your own consent?—Yes. It is like taking a captain of the Blues and putting him to another regiment against his will.

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811. Am I right in collecting the result of your evidence to be that upon the whole balance of the account you have lost 2,000*l.* by over-regulation payments, and that if this transaction which you have spoken of, with regard to your transfer to the 2nd Dragoon Guards and re-transfer to the 9th, had not taken place, you would have received 13,000*l.* for principal and interest, which would have been a set-off against that 2,000*l.*, leaving you a gain of about 11,000*l.*?—Yes.

812. That is by the payment of the over-regulation price?—Yes; therefore I have now had all my service for nothing. I had a pension for distinguished service in the field, but that was taken away. I have just simply got 300*l.* a year.

813. That pension was taken away owing to your having sold out. You cannot retain it after you sell out; is not that so?—Yes; and beside that I lost the second Order of the Bath, the K.C.B.

814. You lost that by your selling out?—Yes. My reason for selling out was that I wanted to retain that money for my family. I should not have had a halfpenny if I had not done so.

The witness withdrew.

COLONEL THE HONOURABLE ARTHUR HARDINGE, C.B., and COLONEL FREDERICK CHARLES ARTHUR STEPHENSON, C.B., examined.

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Col. F. C. A. Stephenson, C.B.

815. (*Chairman, to Col. Hardinge.*) I believe you are in command of the regiment of Coldstream Guards?—I am.

816. That regiment consists of two battalions, does it not?—Yes.

817. (*To Col. Stephenson.*) I believe you are in command of the Scots Fusilier Guards, which also consists of two battalions?—Yes.

818. (*To Col. Hardinge.*) Will you be good enough to state what the establishment of the superior officers of those two regiments is at present without reference to the contemplated reduction?—Exclusive of the three field marshalls, who are our colonels, the establishment of the regiments of Guards is one lieutenant-colonel, who is a *quasi*-regimental brigadier; two majors, who are battalion-commanders. In the Guards we have not any rank which corresponds with line-majors, but two of our senior captains are mounted. Therefore, in the Coldstream Guards there are only, according to the Guards' rank, three field-officers, but the two senior captains in each battalion are mounted, which is equivalent to major in a line regiment.

819. Do each of those regimental-majors command a battalion under the lieutenant-colonel of the regiment?—We have the regimental system, and therefore each of those majors commands his battalion subject to the superior control of the regimental lieutenant-colonel.

820. Will you be good enough to state whether the same is the case with the Grenadier Guards, with the exception that the regiment consists of three battalions instead of two?—Before the reduction that took place in the Grenadier Guards last year, all three regiments of the brigade of Guards were on an identical establishment.

821. If no reduction had been made or contemplated, what would you, in the position you now occupy, have received, according to the ordinary custom of the regiment, if you had retired by the sale of your commission?—The regimental price in the Coldstream Guards would have been 8,200*l.* if I had sold out.

822. When you speak of the "regimental price," do you mean that that includes the regulation price, together with the over-regulation price customarily paid?—I include, in excess of the regulation price, the lowest price it has been the regimental custom to pay. That price varies sometimes under particular circumstances. In the case of my immediate predecessor, for example, for certain private reasons, it was raised to a fictitious price, but the regimental price in the Coldstream Guards is 8,200*l.* By the regimental price I mean the price that every officer who returns his name for purchase is expected to lodge.

823. In what proportion would it have been paid by the officers who would have profited by your retirement?—In the Coldstream Guards the extra price as coming to my account would be principally given, of course, by the officer who succeeded to the vacant company. Of course my retirement would give a step in rank to every officer in the regiment, and that would act upon the companies. One company would thereby become vacant. The regimental price of a company is 8,200*l.* That includes, of course, the whole price that an officer would have to pay for his company. In the case of my retirement by the sale of my commission that 8,200*l.* would have been lodged at Cox and Company's to my account. It would have been contributed by the ensign coming in, and also by the ensign and lieutenant getting his promotion as lieutenant and captain.

824. Would so much of that as represents the over-regulation price be paid in the same proportion as the regulation price by those respective officers?—That is a question which I am not prepared at once to answer.

825. (*To Col. Stephenson.*) Can you answer the question I have just put to Col. Hardinge?—I think it would not be paid in the same proportion exactly. I should first wish to state that the price in the Scots Fusiliers is a little different from what Colonel Hardinge stated as the price in the Coldstreams.

826. What is it in your regiment?—8,500*l.*

827. If it is not paid in the same proportion how does it differ?—The price that an ensign and lieutenant would have to pay in addition to his regulation price would be about 950*l.*

828. (*To Col. Hardinge.*) Supposing instead of wishing to retire by the sale of your commission you wished to go upon half pay, would you under those circumstances receive anything in the way of regulation price?—I should receive nothing in the way of regulation price.

829. Would you receive anything from the officer who was to succeed you or would any sum of money which is not included in any regulation be made up

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by the officers who would in succession profit by your retirement?—In the case of my going upon half pay I should receive exactly the same amount as if I had sold out, which would be 8,200*l.*, principally from the officer who got the company; but as I should not retire absolutely from the service, from the 8,200*l.* I received the Government would deduct 4,500*l.*, which is the regulation price for a lieutenant colonelcy of the line, and I should go upon half pay exactly under the same circumstances as any other lieutenant-colonel of the army.

830. You would receive the difference between 8,200*l.* and 4,500*l.*?—Yes.

831. (*To Col. Stephenson.*) Would you receive the difference between 8,500*l.* and 4,500*l.*?—Yes.

832. (*Sir J. Scarlett, to Col. Hardinge.*) Would the promotion go in the regiment whether you went upon half pay or whether you retired?—It would always go in the regiment. I believe that there is no case of the promotion ever being refused to go in the regiment with regard to the benefit of an officer who has 25 years' service.

833. (*Chairman.*) Assuming that the proposed reduction takes place as has been announced and is intended to take place, if I understand the matter rightly, upon the first vacancy of any of the three superior officers in each regiment; what would you receive if you retired by the sale of your commission?—Only the regulation, because my junior field officer has in consequence of the contemplated reduction been put into italics.

834. As a supernumerary?—Yes. Colonel Baring therefore appears in the Army List in italics. This denotes that his vacancy will not be filled up. Consequently either in the event of my wishing to sell out absolutely, or in the event of my claiming under the terms of the Royal Warrant of February 1866, an unqualified right to go upon half pay after 25 years' service, such retirement on my part would create no regimental promotion. In other words, if I may use the expression, the regimental stem has received an incision through the line of my junior field officer. Consequently the sap of the regimental money which rises to the lower branches is cut off from the top of the tree.

835. I do not think we have got before us exactly what the contemplated reduction is?—The contemplated reduction is the reduction of the junior field officer; in short, it is the reduction of a battalion commander.

836. Therefore if you were now to retire, either by the sale of your commission or by claiming your right to go upon half pay, no officer would succeed you?—No. And if I claimed my unqualified right to go upon half pay, I should receive nothing for going upon half pay. In the event of my wishing to sell out absolutely I should receive only the regulation price of my commission in the Guards.

837. Then in both of these cases the effect of this reduction upon you is, that if you preferred either to retire by the sale of your commission, or to go upon half pay instead of waiting to become a major-general, you would lose the whole amount you would have received as over-regulation price?—Exactly so.

838. I presume you are aware of the enactment in the Act of 1809, which prohibits in strong terms the paying, or receiving of over-regulation payments, and subjects an officer to heavy penalties for being engaged in a transaction of that kind?—Yes, I am perfectly aware of it.

839. How many of your steps did you purchase? My career commenced in the line. I purchased my ensigncy. I was serving on the staff of the Governor-General, during the Sutlej campaign of 1845 and 1846. There were a great many casualties both on my own staff and amongst the regiments that were serving in that campaign, and I was therefore promoted to a lieutenancy without purchase for service in the field. I purchased my captaincy.

840. In the Guards or in the line?—In the line. I exchanged into the Guards,

841. What did you pay for that exchange?—2,500*l.* I always returned my name for purchase, but I got my company in the Guards without purchase, by the promotion of the colonel of the regiment for the time being,—he being promoted to be a major-general.

842. Then, in point of fact, the only commission that you have purchased is the company: your commission as captain?—My ensigncy and captaincy are the only commissions I have purchased.

843. But that 2,500*l.* which you paid for your exchange from the line into the Guards was in addition, as I understand it, to what you paid for your company?—Yes.

844. How much of that consisted of the difference between the price of the two commissions, and how much was over-regulation?—The regulation price of a lieutenant and captaincy in the Guards is 250*l.* more than that of a company in the line. I paid 2,250*l.* above that difference for my exchange.

845. Over the regulation?—Over the regulation, as far as I can say.

846. (*To Col. Stephenson.*) Have you purchased your commissions?—Only one.

847. Which was that?—My second; from ensign and lieutenant to lieutenant and captain.

848. Did you begin your service in the Guards?—I did.

849. What did you pay for that commission in the Guards?—Altogether, including what the ensign coming in contributed (namely 1,200*l.*), I paid 3,000*l.*

850. How much is that over the regulation price?—My own contribution would be 950*l.* over the regulation price.

851. You have obtained your subsequent steps without purchase?—Yes.

852. (*To Col. Hardinge.*)—We wish to understand precisely the objection you make to the proposed reduction. So far as it affects your interests it is this, is it not? that it deprives you of the power of receiving a sum of money which, though you are prohibited from receiving by law, it has been the custom in the army for officers to pay and to receive?—Not only is it in this respect a personal grievance to ourselves, but the arrangement is also a very great disadvantage and a very exceptional disadvantage to our regiments. As far as our pecuniary interests are concerned, I think that that fully states the case; but of course there are regimental interests involved in addition.

853. This pecuniary loss, as I understand, does not affect you personally only, but it affects the two mounted officers—the majors of your regiment, does not it?—It affects them relatively to the arrangement which has taken place in the Grenadiers. In the Grenadiers the reduction of a battalion commander, which is contemplated also in the other two regiments, has been effected by the advantage being taken of a vacancy created by the promotion of Prince Edward of Saxe-Weimar to be major-general, to put the lieutenant-colonel back to the command of the battalion that is vacated. This inversion of promotion has filled the vacancy from the top instead of filling it up from the bottom.

854. I understood you to say that the effect of the reduction was to reduce one of the mounted officers. Colonel Bruce, who now commands the Grenadier Guards, is still considered colonel of the regiment, is he not, although he combines with that the command of one of the battalions?—Yes; but he has been put back to that vacancy.

855. (*Lt.-Gen. Peel.*) By a retrograde step?—Yes, because unless he had been absolutely put back to that vacancy he could not have been pecuniarily indemnified, which was the object of his degradation.

856. (*Chairman.*) But he still remains colonel of the regiment, though he has the command of one of the battalions, and he receives higher pay than the other officers who command the other two battalions? Is not that the case?—Yes. In the Grenadiers the

reduction has been effected by the unification of the double functions in one person.

857. And that was because of Prince Edward becoming major-general; the strength of the regiment remained the same?—Yes, except that they have one field officer less.

858. Supposing one of the mounted officers in the Coldstreams now wished to retire by the sale of his commission, could he do so?—No, on account of the precedent of the Grenadiers, that precedent having been made for the advantage of the senior officer, who has been put back out of consideration to his pecuniary claim. If either of my two field officers wanted to sell, the Secretary of State for War has promised to treat my pecuniary claims with the same consideration that he has treated those of Colonel Bruce. My two field officers are Colonel Fielding and Colonel Baring. Assuming that the middle field officer, Colonel Fielding, who must be the one least affected by the change, wants to go he would be unable to recover any extra price, because I should claim the right assured to me by the Secretary of State for War and go into his place.

859. Therefore it does affect your two majors as well as yourself?—Momentarily they are put in exactly the same predicament as myself.

860. And if Colonel Fielding was entitled to retire upon half pay, as having had 25 years' service and wished to do so, he would get nothing in case of his retiring now?—Nothing; he is just in my position with regard to that.

861. (*Sir James Scarlett.*) You would be reduced when he went?—Yes, I should be degraded into his place.

862. (*Chairman.*) You would still command the regiment, but you would combine with that the command of one of the battalions?—Yes.

863. (*To Col. Stephenson*).—What would be the position of your regiment in that respect?—It would be precisely the same with regard to my regiment.

864. Do you wish to make any addition to, or any correction of, Colonel Hardinge's evidence?—No, not beyond this. I wish merely to mention that this check in promotion has now been going on for upwards of a year in the two regiments consequent upon this question; and it must go on, I presume, until one of the three superior officers in each regiment shall have been absorbed by a non-purchase vacancy; and though it might be a short time in Colonel Hardinge's case, in mine it might be some years to come.

865. (*Lt.-Gen. Peel, to Col. Hardinge.*)—In the meantime if any captain and lieutenant-colonel, junior to your two senior mounted officers, wished to retire, even if he had not purchased his commission, would he receive from the regiment the customary over-regulation price?—Certainly. No officer, except the three seniors, is in the slightest degree affected by the reduction. As regards the senior officers, in the case of Colonel Stephenson and myself, we should suffer the most, because we should be forcibly compelled to remain on, if no vacancy occurred, until the time when we should be taken as major-generals, and that would at once release our two field officers. It would enable them to recover their extra money and to receive the regimental prices, either in case of their going upon half pay or their selling out.

866. Do your mounted officers retain their companies?—Yes.

867. (*Mr. Hunt.*) What was the date of the purchase of your company; your captaincy in the line?—It appears from the Army List that I obtained it in June 1849.

868. You were then exchanged into the Guards; can you give us the date of that?—I cannot give you the exact date of that, but it was within six months afterwards.

869. Do you remember who was Commander-in-Chief at that time?—Lord Hardinge.

870. At the time of your purchase?—At the time of my exchange from the line into the Guards Lord Hardinge was Commander-in-Chief.

871. (*Mr. Muntz.*) You stated just now that when an officer put down his name for purchase there was a certain understood sum to be paid for each rank, whatever the rank might be?—Yes.

872. Did it ever come to your experience that an officer put down his name for purchase and afterwards declined to pay more than the regulation price?—I believe that such cases have occured. I have heard, but I cannot say so authentically, that in the brigade of Guards there was an attempt for a certain time to stop regimental promotion by an adherence to the regulation prices, but the obstruction was only temporary, and the officer who had made the objection paid the usual sum.

873. But you would understand as a matter of course, I presume, that if an officer put down his name for purchase it would include the usual over-regulation price?—Certainly.

874. And that if an officer did otherwise it would be an ungentlemanly act?—Yes.

875. (*Col. Stephenson.*) They do not put down their names, but it is an understood thing.

876. (*Sir W. James, to Col. Hardinge.*) Did I rightly understand you to say that you exchanged from the Line into the Guards when Lord Hardinge was Commander-in-Chief?—Yes.

877. Was Lord Hardinge aware of the circumstances of that exchange?—Lord Hardinge must have been aware of the circumstances. I presume that Lord Hardinge paid the 2,500*l.* which was paid for my exchange.

878. (*Chairman.*) Will you refer to question 345 of Mr. Hammersley's evidence. He refers there to the case of two officers of the Guards some years ago. He says: "I recollect that when it was deter-"mined to make all the steps above the captain, that "is the majority and the lieutenant-colonelcy, no "longer purchaseable steps in the Guards, two officers "lost their money." Are you aware of these circumstances?—I am aware of the circumstance that a lieutenant-colonelcy of the Guards used to be purchaseable, and that that has been done away with; but I do not know in the least the circumstances as to how that change was carried into effect.

879. He goes on to say that, "They were mounted "officers. A brevet took out eight out of 10 field "officers, and two lost their money;" and he explains that that was, "because for the future there "were no saleable commissions in the Guards above "the rank of captain." Assuming his statement of the case to be true, would not that case be analogous to yours?—I do not think it would be analogous at all, because in that case, as in all reductions that have ever taken place, those reductions have been consequent upon the condemnation, or, as in the case quoted, the pecuniary depreciation of the rank so affected. In our case our loss is not consequent upon any condemnation of our own rank, but it is consequent upon the prospective absorption of a junior rank.

880. You know the reduction that is contemplated throughout the army. I think in the Army List for the present month two of the junior captains in almost every regiment are placed in the List of Supernumeraries?—Quite so. I know the arrangement and the proposed means of dealing with those officers who are placed in italics, both with regard to the Infantry and the Cavalry; and Colonel Stephenson and myself only wish that the method of dealing with them may be applied to us in the same way.

881. In that case could either of those two junior captains in the Cavalry or the Infantry, who wished to retire by the sale of his commission do so?—Yes, certainly.

882. Would he get more than the regulation price?—Certainly. In fact, he would be in his normal condition with regard to recovering any over-regulation money. Take a Cavalry regiment for example. In the month of April the junior major has been put into italics, which is an exactly analogous case to that

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of our own field officers. In the event of the commanding officer of that regiment wishing to retire upon half pay his senior major would succeed to the command of the regiment. The junior major now in italics would be released from that unhappy type, and the senior captain would succeed to the italic type. All would be able to deal with one another according to regimental custom and the succession would be uninterrupted.

883. You are assuming that the commanding officer of the regiment retires?—The question does not affect the commanding officer alone. For instance, if the junior major in italics wished to sell out, he would also get the over-regulation price, because in his case the senior captain would succeed to his majority, although that majority is italicised.

884. Take the case of two supernumerary captains in an infantry regiment; if a captain wants to sell out no lieutenant would succeed to his vacancy, would he?—Yes.

885. Is it not only every alternate vacancy that is so filled up?—As far as Mr. Cardwell has answered the question in the House of Commons, he has stated that the promotion would go on in the usual succession. The italics would denote that those steps would be absorbed when vacancies either by death or other causes occurred. For instance, take the case of a junior major of a cavalry regiment. In the event of his sudden death the senior captain would not be promoted to the majority without purchase, and the reduction would be made in the interests of the public service by his death, instead of allowing the benefit of that death to go, as it would under ordinary circumstances, when the junior major was not in italics, to the benefit of the regiment.

886. If you were to continue in the command of the Coldstream Guards until you attained the rank of major-general, the vacancy occasioned by your promotion I presume would be absorbed?—Yes, just so. Colonel Fielding would command the Coldstream regiment without vacating the first battalion of that regiment.

887. That is what happened in the Grenadier Guards, is it not?—Quite so; but in the Coldstream Guards it would be done by ascension; in the case of the Grenadiers it was done by declension.

888. (*Lt.-Col. Stephenson.*) Do you wish to add anything to what Colonel Hardinge has stated?—No.

889. (*Mr. Whitbread, to Col. Hardinge.*) You and the two junior field officers are exactly in the same position now, whichever of you is taken first loses his over-regulation money?—Unless death vacancies occur I must be taken first.

890. I assume that no death vacancy occurs and you are taken first, may I ask you, is there any prospect of your being taken at an early day?—I shall be taken in all probability in the course of a year.

891. (*To Col. Stephenson.*) Is your case similar in that respect?—No, my case is not similar; I should probably not be taken for four or five years.

892. (*Lt.-Gen. Peel.*) When the lieutenant-colonelcies and the majorities in the Guards were saleable, what was the over-regulation price paid for them?—The price for a regiment was once, to my knowledge, up to 12,000*l.* I have known that sum given.

893. Since those sales have been abolished, you are all upon the 8,200*l.* rate?—Yes.

894. (*Mr. Whitbread, to Col. Hardinge.*) As regards the course which you wish to have adopted, and which has been adopted when a reduction has taken place in some other regiments, the disadvantage of it falls upon the non-purchasing officers, but in your case it falls upon the purchasing officers?—No, it makes no difference in our case. The burden of the indirect method of prospective absorption naturally falls upon the senior of each rank. For instance, it is considered desirable to reduce eight captains of a cavalry regiment to seven—that is part of the scheme. The eighth captain is put into italics. Consequently, if the promotion was not allowed to go regimentally until it was absorbed by a death vacancy, the senior captain would be alone placed in the position of being unable to realize his extra money in the case of his wishing to sell out. Of course the moment that he was got rid of, the regimental prices would be realized, and every one of his junior officers, therefore, would find himself in a better position than the senior captain. The case is the same with our field officers. I am unable to sell out and recover anything extra on going on half pay, and the same thing applies to my field officers; but as soon as I am taken for major-general, they will have the same facilities as they would in any other regiment of the army to make either the one or the other arrangement, according to their private wishes.

895. (*Chairman.*) Have you had any correspondence with either the Secretary of State for War or the Commander-in-Chief upon this subject?—On the 16th of March 1869 I was authorised by the Commander-in-Chief to submit to him a statement of my case. On the 24th of July, a letter was transmitted from the War Department through the Horse Guards to Colonel Stephenson and myself touching our case.

896. You addressed your letter to the Horse Guards?—Everything was submitted through the Horse Guards for the consideration of the Secretary of State, except two letters afterwards, written under peculiar circumstances.

897. In that letter which you sent to the Horse Guards did you state what you conceived to be the injury that would be done to you by the proposed arrangement?—Yes, to the best of our abilities.

898. Did you, in fact, put in any claim in that letter for the payment, in addition to the regulation price, in the event of your selling out, or if you retired upon half pay, of what you would have received according to the custom of the regiment upon so retiring?—I will speak for myself first. The first letter I sent contained a general statement of my case. It was met by a letter of the Secretary of State for War. In that letter the Secretary of State for War alluded, as we conceived, indirectly to over-regulation prices. In our joint letter, which was an answer to the Secretary of State's first letter, are mentioned over-regulation prices, the subject having been, as we imagined, implied in the Secretary of State for War's own letter.

899. I presume you would not feel yourself at liberty to produce the correspondence to the Commission, but if we wished to see it we should have to apply to the Secretary of State?—I should feel no hesitation as far as I am concerned in producing the correspondence. We took copies of the correspondence, but I think it only fair to state to the Commission that the case of Colonel Hardinge and Colonel Stephenson was brought before the notice of the House of Commons in February, in consequence of a letter which appeared in the "Times." Neither Colonel Stephenson nor myself had any cognizance either of the question in the House of Commons or of the letter which inspired it, but as we thought that our case, if discussed at all, ought to be discussed upon the correspondence which had taken place, we asked the member of the House of Commons who had given notice of the question to withdraw his question until a discussion could be raised upon the correspondence itself. The correspondence was called for on the 3rd of March, and was promised to be presented to the House. I believe the correspondence is printed. We have copies of the letters, but if the Commission think it would be a more convenient to ask the Secretary of State for War whether he has any objection to anticipate his presentation to the House of Commons of the printed correspondence, perhaps it might assist the inquiry into our case.

900. I was not aware of the fact which you now state that the Secretary of State for War had consented to the production of the correspondence in the House of Commons. That being the case of course we can obtain it without asking you to produce the

letters?—It has been asked for in the House of Commons, and has been promised by the Secretary of State for War to be presented to the House, but it has not yet been presented.

900*a*. You believe that it has been laid upon the table, and ordered to be printed?—It has been asked for and ordered to be printed by the House.

901. It has not yet been delivered to the members of the House?—No.

902. But an order has been made for its printing?—Yes.

903. You have been speaking, of course, of ordinary times of peace when you have been referring to the prices given for commissions in the Guards?—Yes.

904. If a war was to break out and your regiment was ordered on service, of course there would be an end of any ground of complaint which you might have; you would go on service with the regiment?—Yes.

905. In that case, would the extra regulation price be in fact lost to all those officers in the regiment who have paid it?—The officers, of course, who have paid the extra money incur great risks. Those risks would be increased by service. In the Crimea, for instance, there were cases of officers who were incapacitated by ill-health from remaining with their regiments. Under these circumstances, an officer would be obliged to retire by the sale of his commission. Therefore the action on his part would not be a voluntary one, but it would be compulsory.

906. And he would get nothing more than the regulation price?—It would depend entirely upon his successor, and whether the man who stepped into his shoes would avail himself of the necessities in which this man was placed by ill-health to make a hard bargain, or whether he would pay the usual money.

907. If he paid him it would not be the result of a bargain in that case, would it? because the officer's retirement would be compulsory?—Yes.

908. Therefore the retiring officer would have no means of exacting any terms from his successor, but he might, you think, receive some payment from his successor from honourable motives?—Yes.

909. Would that payment be equivalent to the amount of the ordinary over-regulation money?—I think that that amount would be depreciated on account of the exposure in time of war.

910. In point of fact, in time of war are you not aware that the over-regulation price practically disappears?—It is depreciated. In my own regiment I know that the regimental prices were maintained towards the end of the Crimean war.

911. The over-regulation price did disappear, did it not?—No; it was maintained towards the end of the time. I do not say that it was maintained during the whole period.

912. (*To Col. Stephenson.*) Was that the case in your regiment?—No, because there was an inability to sell out. It was impossible to sell out as long as the war was lasting, but towards the end when peace was about being declared opportunities of doing so were offered and it was done.

913. (*To Col. Hardinge.*) In giving these large prices greatly in excess of the regulation price, are not the officers fully aware of the risks they run of losing their money?—Certainly they are, and they lose it very frequently.

914. They are also aware of the liability to a reduction being made in the army?—Certainly, they are aware of both those things. I think the position of the officers with regard to such contingencies is that they know certain risks which they run, and they rather trust *bonâ fide* that the Government will not increase those risks by the introduction of a new principle.

915. I presume that the correspondence will state clearly the whole of the grounds you have taken in objecting to the proposed arrangement as affecting your interests?—It will perfectly. There is only one thing I wish to state with regard to the correspondence and the cause of its delay.

916. You mean the delay in its production?—Yes, the delay in its production. It certainly was transmitted duly through the Horse Guards, and it has been in the War Office for a period of nearly a year, but after its having been called for by the House of Commons we were told that there was an objection to the production of some of the letters, as they referred to over-regulation prices, a subject which it was thought indiscreet for officers to broach in their letters, and it was for that reason I believe that the correspondence has been delayed; and there was also some question as to whether the Horse Guards ought to have forwarded letters from officers containing allusions to those matters.

917. But you have not withdrawn any part of that correspondence?—No. We have not withdrawn any part of the correspondence, on the contrary it has been promised to be presented to the House in its entirety.

918. (*Lt.-Gen. Peel.*) You, as officers in full pay, would naturally not communicate directly with the Secretary of State for War, but through the Commander-in-Chief?—Certainly, we should not communicate directly. The only occasion upon which we communicated directly with the War Department was when we asked Mr. Cardwell to allow us to have an interview with him. Mr. Cardwell granted us that interview, and he promised to give us an answer to the question we had put to him in a short time. As the Secretary of State for War had not given us an answer after what we thought a reasonable delay, we wrote a letter, and as it had reference to the interview we ourselves had had with Mr. Cardwell we addressed him directly. Under these circumstances we received a direct communication from the War Office, but with these exceptions all our previous letters had been duly transmitted through the Horse Guards to the War Department.

919. (*To Col. Stephenson.*) Have you any observation to make on this subject?—Merely that that communication took place with the sanction and knowledge of the Horse Guards.

920. (*Chairman.*) These letters will all appear in the correspondence?—Yes.

921. (*Lt.-Gen. Peel to Col. Hardinge.*) I understood you to say that there were allusions to the question of over-regulation payments in the letters you addressed to the Commander-in-Chief?—Certainly.

The witnesses withdrew.

MR. CHARLES HAMMERSLEY further examined.

922. (*Chairman.*) I do not think that I asked you when you were here before whether the over-regulation price paid by officers who get a step of promotion is paid by the successive officers in the same proportion as they pay the regulation price; can you answer that question?—I think they hardly pay in the same proportion; it varies a good deal in different regiments.

923. Speaking only of averages, and without referring to particular regiments, we will suppose the case of a major purchasing a lieutenant-colonelcy; the gross average sum for a lieutenant-colonelcy in the cavalry you stated the other day to be 10,475*l*.?—Yes.

924. How much of that represents the regulation, and how much the over-regulation, price?—The regulation price is 4,500*l*., and all above that is over-regulation.

925. How much of the regulation price is paid by the major succeeding to the lieutenant-colonelcy; how much by the captain succeeding to the majority; how much by the lieutenant succeeding to the

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captaincy; and how much by the cornet succeeding to the lieutenancy?—Of the regulation price the major would pay 1,300*l.*; the captain would pay 1,400*l.*; the lieutenant, 1,100*l.*; and the cornet, 450*l.*

926. I wish to put aside first commissions for the present?—250*l.* would be the difference.

927. You say that the over-regulation price is not paid in precisely the same proportions as the regulation price, but that it varies in different regiments?—Yes, it varies a good deal in different regiments.

928. I suppose if one officer is richer than another he would probably pay a larger proportion of the over-regulation price?—Yes, that is very commonly the case; a rich officer would pay rather more than another officer.

929. Can you give us in a tabulated form the regulation and the average over-regulation price paid for the respective commissions which are saleable in the cavalry and infantry of the line?—Yes, I can do so; I will prepare such a table.

930. Can you also tell us how many commissions by promotion took place in any given year, say in the year 1869, in those regiments for which your house are agents; of those how many were by purchase and how many without purchase; of those by purchase in how many cases was the regulation price alone paid without any over-regulation (this is all exclusive of first commissions); and of those without purchase how many were in consequence of retirement either upon full or half pay?—I shall be happy to send in that table as soon as it can be prepared. I have not averaged the over-regulation price because it varies so very much. I took the whole price when I averaged it.

931. (*Lt.-Gen. Peel.*) Does the average price of 10,475*l.*, the price of a lieutenant-colonelcy in the cavalry, include the money received from the Army Reserve Fund as the difference between the old and the new regulation prices?—No, that is the present price—the infantry price.

932. What would be the difference then?—1,675*l.*

933. Then that 1,675*l.* has to be added to the 10,475*l.*?—Yes.

934. (*Chairman.*) That is in respect of officers who have paid the former regulation price?—Exactly so. Those who have not paid it would not be entitled to receive it.

935. (*Mr. Whitbread.*) I think that your answers to the questions of the Chairman will enable us to decide, as far as your information goes, with respect to the regiments for which you are agent, the proportion of cases where the over-regulation price is recoverable compared to those where it is irrecoverable either by death, by a colonel being taken to the rank of major-general, or other causes?—Yes, I have no doubt it would; it would give you a sort of general idea of it at least.

936. Can you tell the Commission what is the difference of time which it takes an officer upon the average in a purchase regiment as compared with a non-purchase regiment to attain the rank of lieutenant-colonel in a case where the officer in the purchase regiment has not put down his name for purchase?—The Army List would tell that; but I think even if I were able at this moment to answer the question, which I am not, it would give no fair conclusion. Those Indian regiments had only been recently formed at the time that they were taken over from the old East India Company. They were formed by extracts from different regiments, and the men were brought together from different corps. I do not think you could draw any fair conclusion from them as to the period in which an officer in an Indian corps would become a field officer. Indeed in India they have the purse system, which is a system of purchase.

937. You could give us that information with respect to the Engineers?—There, again, you would have a difficulty in arriving at any conclusion, because there was a great run of promotion in the Ordnance Corps, commencing in 1844, and the corps are still subject to the influence of that promotion, but the state of things has been becoming worse and worse every year in the last 10 years. The length of time that an officer passes as a subaltern is four years more than it formerly was. It has increased between four and five years, and the calculation is that in about 19 years you would have subalterns of about 45 years of age.

938. (*Lt.-Gen. Peel.*) Would the Marines be a fair comparison?—I do not know anything about the practice of the Marines.

939. (*Mr. Muntz.*) Would not the Artillery give a fair comparison?—The same observation would apply in that case. There is a frightful stoppage in the Artillery in the face of an addition to the retirement of about 12,000*l.* a-year in the last three years.

940. (*Chairman.*) Do exchanges take place between the officers in the purchase and those in the non-purchase corps; I mean by the latter those Indian regiments which have been recently added?—Some few do.

941. Does money pass upon those occasions between the exchanging officers?—I cannot say. I do not know, but I think it must.

942. You think money would pass?—Yes; but I really am not in a position to answer that question.

943. You said the other day, and I think you have repeated the statement to-day, that in those regiments there is a system of purchase, or at least a system of paying money, to induce officers to retire?—Certainly, I believe that is so.

944. Although those regiments have not been in existence long enough to enable an officer to attain to the command of a regiment by that system, does an ensign entering one of those regiments obtain his company sooner or later than he would do entering a purchase-regiment and being a non-purchase officer?—I was surprised on looking into the matter the other day to find that there is not much difference, but I think that no fair comparison can be drawn, in consequence of the recent formation of these Indian regiment. And I must mention that all these regiments are still in India, with the exception of two which have come home.

945. Are the retirements in the lower ranks more or less frequent than they are in the ordinary regiments of the line?—Less. In 136 battalions of the Line there were 147 promotions to rank of captain in the year 1869. In the nine Indian battalions, seven in the same period.

946. Probably the return you have been good enough to say you would give us would show that, because it would show how many vacancies have taken place in those regiments during the last year?—Yes.

947. (*Maj.-Gen. Steele.*) Can you give the Commission any idea of the total sum of money invested by officers, including the over-regulation price?—My calculation is that the total sum, including regulation and over-regulation, amounts to more than 11,000,000*l.*

948. (*Mr. Muntz.*) Can you give us the separate items?—I must premise that it is only an estimate. I calculate the regulation amount at 7,668,953*l.*, and the extra regulation amount at 3,577,325*l.*, making a total of about 11,246,000*l.*

949. (*Mr. Whitbread.*) For the whole service?—That is what I calculate for the whole. In addition to that there is 159,265*l.*, the difference of the value of the old and the new Cavalry commissions, that is still due; that would make rather more than 11,400,000*l.* I am bound to say that that is only an estimate, and I have had considerable difficulty in arriving at it, because it depends upon the view that the War Office might take of the value of certain commissions, particularly Cavalry commissions.

The witness withdrew.

Adjourned to Tuesday next at half-past one o'clock.

Tuesday, 10th May 1870.

PRESENT:

THE RIGHT HONOURABLE SIR GEORGE GREY, BART, M.P., G.C.B., IN THE CHAIR.

THE RIGHT HON. LIEUT.-GENERAL PEEL.
THE RIGHT HON. G. WARD HUNT, M.P.
LIEUT.-GENERAL SIR JAMES YORKE SCARLETT, G.C.B.
MAJOR-GENERAL STEELE, C.B.
SAMUEL WHITBREAD, ESQ., M.P.
P. H. MUNTZ, ESQ., M.P.

R. H. KNOX, ESQ., *Secretary.*

MAJOR-GENERAL JOHN HENRY LEFROY, R.A., C.B., examined.

Maj.-Gen. J. H. Lefroy, R.A., C.B.
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950. (*Sir J. Scarlett.*) I believe you have always served in the artillery?—Always.

951. What length of service have you had in the artillery?—36 years nearly.

952. Your rank now is, I believe, that of major-general?—I am a colonel in the artillery, with the honorary rank of major-general.

953. It has taken you 36 years to attain your present position in the artillery?—It has.

954. Did it ever occur to you, or is it within your knowledge, that it has been contemplated amongst the officers at any time to take means to quicken the promotion in the Royal Artillery by any action of their own?—I cannot speak with confidence to any proposal in the old Royal Artillery earlier than that which I made myself about four years ago.

955. Will you state what that proposal of your's was?—My proposal was that each officer on being promoted from a lower rank to a higher rank should contribute to a common fund, one year's difference of pay between the two grades; but that, in order that he might not lose all advantage by promotion, that payment should be spread over two years, so that he would give up half a year's difference in pay, in point of fact, for each year. That was the first specific proposal that was made, as far as I know, but there have been others since.

956. How was that fund to be applied?—It was to be applied in the form of a bonus to induce officers to accept the Government terms of retirement, if they were entitled to them, or if they were not entitled to retirement under the Royal Warrant, to take a lump sum.

957. Then did you find that the Government allowance was not sufficient to tempt them to resign previously?—Certainly. The Government allowance has been for some years quite inadequate to tempt junior officers out of the Royal Artillery. It only offers them half pay after 25 years' service, and nothing under 25 years' service, unless upon grounds of ill-health, of course.

958. (*Chairman.*) It gives them a right to retire upon half pay after 25 years' service?—Yes.

959. You were going on just now, I think, to state something that took place subsequently to the period when your proposal was made four years ago?—I took steps to ascertain whether the proposal which I had made was one likely to be accepted by the officers of the artillery, if they were permitted to do so, and about 300 officers communicated to me their entire assent to it. They were prepared at any moment to sign an agreement to forego one year's difference of pay in the manner proposed. Some other officers, I think as many as three subalterns and two captains, have subsequently proposed alternative schemes. None of them, however, as far as I know, have received any very general acceptance, and none of these officers, I think, have taken the same steps as I did to ascertain how far his proposal would meet the wishes of the service.

960. (*Sir J. Scarlett.*) Then the object of the plan altogether was to accelerate promotion by payment?—Yes, to accelerate promotion by payment, but in the form of bonus, by which no man passes over the head of any other man, and which only accelerates the current of promotion.

961. If any of these officers had died in the meantime their bonus would have been lost, would it not?—There would have been no loss, because no man would have paid except for what he had already got, namely, his promotion. He might die in the two years, it is true.

962. If he died after having paid one year's pay he would lose that, and his friends would be so much the worse for it?—Yes, except in so far as it would have accelerated his promotion.

963. (*Lt.-Gen. Peel.*) What caused you to make that suggestion as to a bonus?—From having very attentively studied the prospects of the Royal Artillery in reference to promotion, and from being struck with the stagnation which is almost certain to fall upon the corps unless something is done in addition to the present Government arrangements. The bonus system has worked generally so well in the Indian Artilleries, and has given so much satisfaction to the officers who contributed to it, that I thought we might introduce it into our system, and that it was on public grounds an unobjectionable form of applying private funds.

964. What was the state of promotion in the artillery previous to the last augmentation, which created for the moment a great current of promotion?—You mean, I presume, previous to the first augmentation which occurred in 1846. That was the great beginning of our promotion. If you will allow me to consult a pamphlet which I have here I think I can tell you exactly how we stood at that time. In 1845, which is the period nearest to this question, the senior second captain was an officer of 25 years' service; the senior captain of artillery was an officer of over 38 years' service; the senior lieutenant-colonel of artillery was an officer of 45 years' service; and the senior colonel an officer of nearly 50 years' service. Taking a long average in the artillery, including both peace and war, it has taken an officer from 28 to 29 years to become a lieutenant-colonel on major's pay; but for a quarter of a century, from 1820 to 1845, it took from 35 to 38 years.

965. You spoke of a lieutenant-colonel on major's pay?—Yes; the rank of major was done away with in the artillery in 1827, and the captains were promoted to the rank of lieutenant-colonel, but they did not augment their pay. They remained lieutenant-colonels on majors' pay.

966. (*Chairman.*) The next step that that captain of 38 years' standing would obtain would be that of lieutenant-colonel, not that of major?—Yes, he would be a lieutenant-colonel on major's pay.

967. (*Lt.-Gen. Peel.*) Was it usual at that time for the officers in the higher ranks of the Royal Artillery to remain in the service to extreme old age?—It was very usual indeed.

968. What was the age of the director-general of ordnance then?—Sir John Macleod was director-general of artillery when he was past the age of 80, and I recollect well that when the late Sir William Cator was made director-general of ordnance we all congratulated ourselves on having so young a man. He was under 70; I think about 67.

969. (*Mr. Muntz.*) Was the proposal that you made three or four years ago accepted?—It was accepted as I mentioned just now by a large body of officers, principally the juniors, but it hung fire in consequence of Mr. Childers' measure for accelerating promotion.

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Everybody was in hopes that that would produce some good result, and it has simply been hanging over from that day until now. I have brought with me here a list of the regiment, in which I have ticked off those who have signified their assent to my proposal (*producing a paper*), and you will observe by the red marks that they are in every grade of the service, and a little more trouble in canvassing would no doubt have added very largely to the number. I still believe that that scheme is a feasible scheme if it should receive the sanction of the Government.

970. Hitherto it has not been acted upon?—No, it has not been acted upon yet at all.

971. (*Sir J. Scarlett.*) Has Mr. Childers hitherto produced any scheme for the purpose of accelerating promotion?—A committee, of which Mr. Childers was president, proposed terms of retirement which were much more liberal than those previously in force, and which would have had the effect, no doubt, of inducing many officers to retire, but they have never come into operation. At this moment the promotion in the artillery is in a more stagnant state than I have ever known it. It may be a temporary thing, such as must from time to time occur, but it is the fact that at the present moment only three or four subalterns, I think, have been promoted in as many months. The promotion has been for a year or two excessively slow, and there is no prospect of its accelerating; I mean on the old Royal Artillery list. The lieutenants of 1857 will not all be promoted in 1870, and some of that rank will be 15 years subalterns, although they obtain commissions at advanced ages.

972. Then either the public or the officers themselves must do something to accelerate that promotion if we are to have efficient artillerymen?—That is my firm and strong persuasion. I wish to say as emphatically as I can that I am persuaded that unless something material is done to accelerate the promotion in the artillery, and in the engineers also, both corps will be in a most inefficient state in 15 years time.

973. (*Lt.-Gen. Peel.*) Is there any difference between the artillery and engineers and other non-purchasing regiments with regard to promotion?—At the present moment the artillery and engineers are behind the marines owing to the very liberal terms of retirement offered to the marines four or five years ago; but as a general rule the marines have been behind us. At this moment the officers of superior rank in the engineers are rather older than the corresponding ranks in the artillery, but the junior ranks of the artillery, that is, the captains and subalterns, have rather longer service than the engineers, I think. I speak under correction.

974. Is the promotion in those corps much slower than in the purchase regiments?—It is very much slower indeed than in the purchase regiments. It is even slower than it is to the non-purchasers in the purchase regiments. I do not mean at this moment, but taking the artillery on the average, it is so.

975. (*Mr. Muntz.*) In your opinion if your proposal were carried out would it not accelerate the promotion so as to make it as rapid as it is in the purchase regiments?—As rapid as it is in some of them, such as the Rifle Brigade.

976. (*Chairman.*) Was this proposal made publicly and brought to the knowledge of the military authorities generally?—It was made quite publicly, because it was proposed in a pamphlet which I ventured to publish at that time, and of which I presented copies to everybody concerned, including His Royal Highness the Commander-in-Chief and the Secretary of State for War, and although I cannot say that anybody was officially responsible for the step that I took, it was taken with the full personal knowledge of the adjutant-general of artillery.

977. Had you any doubt of the legality of it under the 78th section of the Mutiny Act, the terms of which are as follows:—"Every person, whether "authorised as an army agent or not, who shall "receive any money or reward in respect of any such "purchase, sale, or exchange, or who shall negotiate "or receive for any purpose whatsoever any money "or consideration where no price is allowed by Her "Majesty's Regulations, or any money or consideration "exceeding the amount so allowed, shall forfeit 100*l.*," and so on?—It appears to me that the system of offering officers by private arrangement a bonus to retire is a very different thing from purchasing a commission. Nobody in the former case really purchases a commission. There is a vacancy created, no matter how, and the senior officer on the list succeeds to that vacancy, but there is no purchasing.

978. The words of the Mutiny Act I have read are, "Every person who shall negotiate or receive for any "purpose whatsoever any money or consideration "where no price is allowed by Her Majesty's Regula-"tions, or any money or consideration exceeding the "amount so allowed, shall forfeit 100*l.*" No price was directly sanctioned or allowed to be paid to an officer in the Royal Artillery on retiring after 30 years' service on full pay or after 25 years' service on half pay. Did it ever occur to you that this transaction might come within the terms of the Mutiny Act?—No, it never did; but perhaps you will allow me to read the very words of my proposal, "Let the "subalterns, always with the knowledge and sanction "of the administration, enter into an agreement that "at each successive step of promotion they will "resign one year's difference of pay between the "rank they had and the rank they attain."

979. Then will you go on to the appropriation of the fund to be so constituted, if you please?—"Let "the sum thus accruing be applied to induce one or "more captains above them to retire." The scale proposed was three months' full pay for every year of service.

980. Does that proposal differ at all in your opinion from the practice that we are told exists in the purchasing corps of the army of paying an officer a certain sum to induce him to avail himself of the privilege he possesses of retiring on full pay after 30 years' service, or on half pay after 25 years' service?—I do not think it is substantially different in character, but I think it is free from some of the objections to the practice which prevails in the line by which sums are levied throughout all the grades in a somewhat arbitrary manner. In this case the sum was a definite one, and I think it was assessed in a manner the least inconvenient possible to the officer paying, because it came when he had an addition to his income, and it took only half of that addition.

981. (*Sir J. Scarlett.*) You would call it then a regulated subscription?—Yes.

982. Do you not think that in time that subscription would have been increased. When men became impatient of a delay of promotion, would they not have endeavoured to add to the temptation to officers to retire?—I think not in the artillery, because the artillery is not a monied branch of the army, and a more serious difficulty with us was to raise the sum in its lowest form. Moreover, I think that people will not pay large sums unless the benefit is immediate to themselves. In the case supposed, the officer promoted would not be inclined to pay more than his bargain, because his promotion would be safe without doing so by seniority.

983. The senior lieutenant perhaps in addition to this sum, being impatient of a delay of promotion, might have given an extra 100*l.* or 200*l.*?—Where that will turn the scale it may always come in, but the size of the corps and the scattered state of officers would make such arrangements difficult.

984. That might happen, might it not?—Yes, unless the thing were done quite openly and above board, which was my proposal, then it would be regulated.

985. (*Lt.-Gen. Peel.*) It would be necessary, would it not, in order that that scheme might be carried into effect, that its acceptance should be general throughout the artillery?—It would be necessary for a very considerable portion of the officers to agree, but the

officers I consulted, the juniors more particularly, were quite prepared to allow individual dissentients to take the benefit of it. Whatever money was contributed would be to the good. But I think the moral force in the regiment would have taken all the men with it. In some schemes they allow for 10 per cent. of dissentients or non-payers.

986. Would not the 78th clause of the Mutiny Act apply to the officer who received the money, the words of the clause being "Negotiate or receive "for any purpose whatsoever"?—If I may venture to say so, the clause is so sweeping in its character that it has no effect at all. It is violated every time a sum of money passes between officers to negotiate an exchange of stations, which happens every day.

987. (*Chairman.*) Does it happen as commonly in the artillery as it does in the line?—I think it does.

988. Money is paid by one officer to another to induce him to exchange from one station to another?—Yes, constantly.

989. But I understand that you never heard any objection being taken to this proposal of yours on the ground that it was illegal?—No.

990. Or as coming within the terms of the Mutiny Act?—No, I never heard any objection of that sort raised.

991. (*Lt.-Gen. Peel.*) Although you submitted your proposal both to the Secretary of State and to the Commander-in-Chief?—I cannot say that I submitted it to them. I had the honour of presenting my pamphlet to them.

992. (*Chairman.*) It was brought under their notice?—Yes, it was much talked of at the time.

993. (*Sir J. Scarlett.*) It was never pointed out to you that there was anything illegal in it?—No.

994. (*Chairman.*) Are large sums given in the case of those exchanges that you have referred to?—Not very large sums. It depends upon the station, and the rank of the parties, and the urgency of the case. I should say that a sum of 500*l.* was very seldom exceeded.

995. Is it done with the sanction of the military authorities or of the commanding officer of the respective stations?—The exchange must be first agreed to by the military authorities on personal grounds, and their assent having been obtained it is for the two parties to arrange between themselves.

996. Is there any secresy in this arrangement or is it well known?—I should say that there was no secresy at all about it.

997. You never heard of any objection being taken?—Never.

998. (*Mr. Whitbread.*) I suppose you would claim for your scheme as an advantage over the present system that the contribution was out of a fund, which every officer would possess, and that it was not made by private funds brought in from without?—Quite so.

999. And also that in fact it was merely an undertaking to receive at some future date a portion of the pay which would naturally come to an officer on promotion?—Yes, and it was also easy to show that officers would so far accelerate their promotion by the operation of that scheme that they would receive in the shape of augmented pay, setting rank on one side, a good deal more than they would contribute, if the system became general.

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1000. (*Lt.-Gen. Peel.*) Did you propose any fixed price for the officer who is to retire in each rank?—I proposed for officers who accepted the bonus three months' pay for each year of service. There have been various proposals, generally of a more heavy character to the officers, and a very large number of subalterns agreed to pay 10*l.* annually to a fund; that was a tremendous income tax upon a subaltern. Other proposals have been that they should contribute 1*l.* per annum for every year of service, which in the case of subalterns of 15 or 16 years' service would also be a very large sum. In my opinion officers on British pay and allowances could not afford it.

1001. There are two parties to be consulted, the party to pay and the party to receive payment?—Yes.

1002. Suppose an officer said, "I will not go for "that sum, but I will go for a much larger sum," what would be done then?—I most distinctly debarred all bargaining; they should go or not go. In so large a body as the artillery there are a considerable body of men who are wavering as to whether they will remain in the service or not, and I am sorry to say that a proportion of men now and then go to whom it is of great importance that they should raise a few hundred pounds in ready money. In fact a tolerable proportion of officers under 10 years' service resign their commissions on various personal grounds. I believe that that proportion would be largely increased if there was a sum offered them.

1003. If those officers had served 25 years they would be entitled to go upon half pay?—Yes.

1004. Did you propose to extend the bonus to them?—Yes.

1005. And that they should receive both half pay and bonus?—Yes, both the bonus and the half pay.

1006. Suppose a man had not served 25 years, how would you deal with him?—There might be a difficulty in getting him to go. I would offer him the bonus and no more. I ought to add that I did not propose to give the bonus to officers entitled to full-pay retirement, and did not expect that individuals who were near the term for half pay would be those to go.

1007. But you want to get rid of them just as much as the others, do you not?—Looking at the actual state of the corps at present, and at what is likely to be its state 10 or 15 years hence, we want to get rid of some younger men—not the older men—we want thinning out; we are like a young plantation, all of one age.

1008. (*Sir J. Scarlett.*) You are too crowded?—We are too crowded.

The witness withdrew.

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1009. (*Chairman.*) We wish to have some further information from you as to the circumstances under which the sum paid in excess of regulation has been irrecoverable. We are told that that is the case when a reduction takes place. Will you be good enough to tell us in cases in which reduction has been determined upon by the Secretary of State in the establishment of regiments both of cavalry and infantry what is the course that is now pursued. We will take the cavalry first?—Do you mean the reductions now or heretofore?

1010. I mean the reductions that have recently been determined upon and which are going on. Take the case of those officers whose names appear in the Army List of the present month in italics, who are, I believe, called supernumeraries, and who are therefore in excess of the fixed establishments of regiments. What course is taken with regard to those officers?—The reductions are made alternately when vacancies occur.

1011. (*Lt.-Gen. Peel.*) Supposing a senior major in a cavalry regiment wished to retire, would the step go in the regiment or would it be absorbed?—If the senior major of the Second Dragoon Guards, for instance, wished to go on half pay the step would not go in the regiment.

1012. Supposing he wanted to sell?—If he wanted to sell it must go in the regiment, because we have not money to absorb it. We should absorb a cornet.

1013. (*Chairman*) Then in the first case supposing

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he wished to go upon half pay would he lose that sum of money, which we have heard is usually paid to an officer retiring on half pay by the officer succeeding to his vacancy?—Certainly.

1014. In case of his wishing to sell the absorption would not take place, but another officer would succeed him in the regiment?—Yes; the supernumerary major would remain, but a supernumerary cornet would be absorbed.

1015. Would he then, in fact, sell on the usual terms?—I presume he would sell on the usual terms.

1016. Is that the case in the junior ranks of the same regiment. Are there any supernumerary officers?—Yes, it would be exactly the same.

1017. Are there any supernumerary captains now in that regiment?—Yes, there is a supernumerary captain and a supernumerary lieutenant.

1018. If any captain in the regiment now wished to retire by the sale of his commission could he do so?—Yes.

1019. Would the senior lieutenant for purchase succeed him?—Yes.

1020. If that captain was entitled by length of service to retire on full pay or on half pay and wished to do so would any lieutenant succeed him?—No.

1021. Then in that case he would lose the price which we have heard is usually paid to an officer to induce him to retire?—Quite so. That is the rule laid down by the Secretary of State.

1022. What is the case in an infantry regiment; is it the same?—Exactly the same, only we have no supernumerary majors.

1023. But there are two supernumerary captains in all those regiments?—Yes, and the same course would be pursued with regard to them.

1024. There would be no interference with the process of retirement by sale?—No.

1025. Then how would the absorption take place. Would it be by not appointing ensigns to the vacancies so created?—Yes, we should absorb from the bottom.

1026. (*Lt.-Gen. Peel.*) And you would pay the officer out of the Reserve Fund the price of a cornetcy or an ensigncy?—Out of the funds.

1027. (*Chairman.*) In the event of a captain obtaining an unattached majority, and thereby creating a vacancy in a regiment in which there were two supernumerary captains, would the senior lieutenant then obtain the promotion?—Unattached promotion has been given as a means of absorbing supernumeraries, and for no other purpose at all.

1028. (*Mr. Hunt.*) One of the supernumerary captains would cease to be italicised, would he not?—Yes, that is, we place a captain upon the half pay of a major, and so absorb the full pay of a captain.

1029. (*Lt.-Gen. Peel.*) You would not purchase out of the Army Reserve Fund the price of any commission higher than that of a cornet or an ensign, would you?—Those are not purchased from the Army Reserve Fund, if I may term it so. They are purchased from a vote of 49,000*l.* granted by Parliament for this express purpose.

1030. Do you not take credit in your estimates for a sum from the Army Reserve Fund. I have seen your estimates. There is a sum of money transferred from the Army Reserve Fund. Were you not allowed to make use of that?—Yes.

1031. (*Chairman.*) We have had a case before us of the two colonels of the Coldstream and the Scots Fusilier Guards, and what they apparently claim is, that they should be put upon the same footing as other officers who are affected by these reductions, that they should in fact be allowed to sell just as you say every other officer who is a supernumerary is allowed now to sell. Is it the case that they have been dealt with differently from officers in other regiments of infantry?—Formerly in infantry regiments when a lieutenant-colonel was reduced he was at once placed upon half pay. We have never reduced a major in the infantry; the infantry establishment has always remained the same, namely, two majors. Therefore the reduction of a major in the Guards was a novel thing, there was no precedent to govern it.

1032. How did it differ from the reduction of a major in any regiment of the line?—It differed in this way, that above the rank of captain a commission in the Guards is not saleable.

1033. Above captain and lieutenant-colonel?—Yes; the majority and lieutenant-colonelcy of the Guards are non-purchase steps.

1034. That is, an officer holding a commission as field officer would only be entitled to the sale of his captaincy in the Guards?—His captain and lieutenant-colonelcy.

1035. He might sell, but he would not get more than the value of his captaincy?—Not by regulation.

1036. In fact, the commanding officer of the regiment would get no more than any captain in it if he sold out?—No, not by regulation.

1037. Then why should not a supernumerary major in the Guards be allowed to sell for the regulation price of his commission just as a supernumerary captain in a line regiment might?—We have had no application from a supernumerary major; the application was from a lieutenant-colonel to go upon half pay, there being a supernumerary major in the regiment.

1038. But apparently from the correspondence which took place between these officers and the Horse Guards and the War Office there has been a distinct application, has there not, that on either of them selling out or retiring on half pay the promotion might go in the regiment, as they allege it does in the case of officers reduced in other infantry regiments?—Yes, on their going to half pay.

1039. I see that Colonel Stephenson, in his letter to the Horse Guards of the 7th of August 1869, says, "The question has now been put to me officially, "'Whether under the arrangements notified to the "'major-general commanding the brigade of Guards "'in your letter of the 28th of May last, the majors "'of battalions under my command can retire from "'the service or upon half pay'" (he puts both cases) "'in the manner heretofore customary, namely "'by the promotion consequent upon such retirement "'allowed to go in the regiment in the usual way'"?—Yes.

1040. Now I understand that a supernumerary major retiring from an infantry regiment would be allowed to sell his commission, and the promotion would go in the regiment in the usual way; is not that so?—I do not think we have had one case of that kind. If a case did occur we should absorb the supernumerary ensign.

1041. It is the case you say with a supernumerary captain, at all events?—In the cavalry we have supernumerary majors, and there the promotion was continually allowed to go in the regiment, the supernumerary being kept on.

1042. Then would the supernumerary major in the cavalry be allowed to retire from the service by the sale of his commission on the usual terms, the promotion going in the regiment?—Yes, the junior supernumerary being absorbed.

1043. Would he now be allowed to do so?—Yes.

1044. Is there such a thing as a supernumerary major in the cavalry now?—Yes, there is.

1045. These reductions do not involve the reduction of a major in the cavalry, do they?—Yes, one major of every cavalry regiment. For instance, if you look at the 6th Inniskilling Dragoons, you will find that the second major there (Major Gore) is in italics.

1046. Could Major Gore retire from the service by the sale of his commission on the usual terms, the promotion going in the regiment?—Yes, he would be able to retire by the sale of his commission.

1047. The promotion going in the regiment, so that he would obtain what has been termed the full "regimental value," as distinct from the regulation price?—Yes, quite so. A cornet would be absorbed

in the same way as an ensign would be in the infantry.

1048. If that rule has been adopted with regard to supernumerary majors in the cavalry, we want to know the reasons which have induced the authorities to establish a different rule in regard to the majors in the regiments of Foot Guards?—There is no supernumerary ensign to absorb in the Guards, no reduction taking place in the junior ranks, as in the regiments of the line.

1049. (*Lt.-Gen. Peel.*) On any officer of a rank senior to lieutenant and captain of the Guards selling his commission, would that step go in the regiment?—You will find that Mr. Cardwell replied to Colonel Stephenson or Colonel Hardinge that he was prepared to give the 4,800*l.* for his commission and to absorb a majority.

1050. That is not exactly an answer to my question; I want to know whether the step would go in the regiment?—That has been refused.

1051. (*Chairman.*) That refusal involves the very question we are now inquiring into, namely under what circumstances the over-regulation price is lost. As I understand this correspondence, it is this,—that the Secretary of State for War offered, if those officers desired to retire from the service by the sale of their commissions, to find the regulated price from the Reserve Fund?—Yes.

1052. But what they ask is that the promotion may go in the regiment, in order that they may obtain what they call "the regimental value" of their commissions?—Yes.

1053. Is it the case, that by the rule adopted with respect to the Foot Guards those officers do, in fact, lose the over-regulation price?—Yes.

1054. I do not understand from your statement that any other officer who is to be reduced does so; if an officer desires to sell his commission in other cases, the promotion going in the regiment, the usual terms are made upon which officers retire under ordinary circumstances?—Quite so.

1055. (*Sir J. Scarlett.*) But is this case analogous to other cases; in this case your object is to reduce the seniors of the regiment?—Yes; there are no juniors to reduce in the Guards.

1056. Then the case is not quite analogous to those with which it has been compared?—No.

1057. If one major was removed by any accident in the Guards now, what would be the effect of that; for instance, if, we will say, Lord Abinger was removed from the Scots Fusilier Guards, what would become of Lieutenant-Colonel Stephenson?—There would be then no longer any supernumerary, and he would be allowed to do as he pleased with regard to sale or retirement.

1058. Then Colonel Stephenson would command a battalion, would he not?—Colonel Stephenson would command a battalion as well as the regiment, the same as Colonel Bruce does now.

1059. (*Chairman.*) There was a case mentioned by Mr. Hammersley the other day of two officers of the Guards who "lost their money," as he says, some years ago when it was determined to make all the steps above captain, that is, the majority and lieutenant-colonelcy, no longer purchaseable steps in the Guards. You alluded to the circumstance just now yourself, I think?—I alluded to the fact of their being non-purchase steps, but I was not in office at that time; I think it took place in 1857.

1060. Do you know whether the change which was then made did subject the officers then holding commissions as majors and lieutenant-colonels in the Guards to any pecuniary loss?—I understood that it did.

1061. In what way, because they could still sell their captain and lieutenant-colonelcy, could they not?—They could still sell a captain and lieutenant-colonelcy, but we all know that a sum is given beyond that for a majority and for a lieutenant-colonelcy.

1062. (*Sir J. Scarlett.*) Or was formerly?—Or was formerly.

1063. It is not now, is it?—I am not aware that it is not.

1064. (*Maj.-Gen. Steele.*) They could not sell the price of their majority and the price they paid for their regiment, because it was made non-purchaseable after the rank of captain?—Quite so, by regulation.

1065. In any way?—Yes, that is what I am saying, that there is still an extra-regulation payment, as I understand it.

1066. (*Chairman.*) Then the distinction you draw between the regiment of Guards and the other infantry regiments is, that in the Guards there has been no reduction in the junior ranks, and consequently the absorption must be at the top instead of at the bottom of the regiment?—Quite so.

1067. And therefore if those officers were allowed to sell, and the promotion to go in the regiment, the absorption would never take place, is that the case?—It would never take place until a promotion to a major-general occurred.

1068. Or a death?—Or a death.

1069. Is there any difference made between purchase vacancies and non-purchase vacancies in this system of absorption?—In the non-purchase we absorb the senior rank; we do not go to the bottom for the absorption.

1070. Will you be good enough to give an instance?—Suppose a captain died, we should take that step. If there was a supernumerary captain we should at once absorb that supernumerary captain, we should not go lower. Supposing two companies were reduced in a regiment, according to the present practice the first captain who died, that is the first non-purchase vacancy would be taken as an absorption by the public.

1071. The promotion would not go in the regiment without purchase, as it usually does?—Quite so.

1072. Supposing that were to occur a second time, what would happen?—The promotion would then go in the regiment.

1073. Then in the case of those non-purchase regiments every alternate vacancy only goes in the regiment?—Yes.

1074. (*Lt.-Gen. Peel.*) Will you have the goodness to explain what the rule has been with regard to first appointments at present?—That every alternate purchase and non-purchase vacancy be filled.

1075. Has that any reference to what regiment the vacancy may occur in?—It is without any reference to that.

1076. Therefore one regiment might by accident have two ensigns absorbed, whilst another had two ensigns added?—There would not be a vacancy in that case; the vacancy would be caused either by an officer selling out or by an officer dying.

1077. (*Sir J. Scarlett.*) If two ensigns were to die you would gazette one?—Yes, quite so.

1078. (*Lt.-Gen. Peel.*) You say that when two vacancies take place one is filled up and the other is absorbed?—Yes.

1079. Without any reference to the regiment in which the vacancies occur?—No, it must take place in the regiment in which it occurs.

1080. I thought it was in consequence of the necessity of supplying the cadets at Sandhurst and other places that you filled up those vacancies?—Yes. A vacancy can only occur in a regiment when a casualty occurs; as, for instance, if an officer in any regiment dies.

1081. Then you go not according to the general vacancies of the army, but according to the vacancies of the particular regiments?—Yes, quite so.

1082. (*Chairman.*) Have you any other information to give to the Commission with regard to the effect of these reductions upon the pecuniary interests of officers?—No, I think not.

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1083. In respect of the prices paid for their commissions?—No. There is no doubt that these reductions reduce the over-regulation price; they make the promotion more uncertain.

1084. How long has it been known that these reductions would be carried into effect?—It could not have been known before it had been decided by the Secretary of State for War and the Government.

1085. I presume the time has not been long enough for you to know whether any officers have availed themselves of the power of retiring either on half pay or on full pay since those reductions have been announced, because in those two cases the sum paid is over regulation?—Yes.

1086. You do not know whether it has in fact checked the retirement of officers on full pay or on half pay?—Not on full pay. The retirement on full pay is generally regulated by the sum that is appropriated for that purpose, and when there is a vacancy in that sum you generally get an officer immediately ready to take it.

1087. But we have been told that money is usually paid by the officers of the regiment to an officer who is entitled to retire on full pay to induce him to avail himself of that privilege?—I imagine that that is so.

1088. But if the vacancies are absorbed he could not get that money?—Just so, if no promotion took place.

1089. I want to know whether the effect of the announcement of the proposed reductions has been to check retirement on full pay or on half pay?—It has checked the retirement on half pay I have no doubt, but not on full pay I think; the officer would most likely wait until the promotion was due.

1090. You think that the inducement to retire on full pay is sufficient without the additional inducement of the money which is generally paid by officers in the regiment?—No, I do not think it is.

1091. (*Sir J. Scarlett.*) Are there many instances of full pay retirement in the course of the year?—Yes, your Secretary might be able to tell whether there is any sum available now for that purpose, but I do not think that there is. There is a certain sum voted for retirements, and no officer can be allowed to retire on full pay unless there is a portion of that sum available, that is, unless some other officer has gone off the list.

1092. (*Lt.-Gen. Peel.*) Then although an officer may have served for 30 years he cannot claim to retire upon full pay until there is a vacancy in that fund?—He can claim it, but he cannot get the retirement until the money is forthcoming.

1093. (*Chairman.*) Then he has no absolute right to retire after 30 years' service on full pay?—He has a right to retire when the money is ready; his right is established by 30 years' service.

1094. (*Mr Hunt.*) He is qualified to retire?—He is qualified to retire, but the opportunity for retirement depends upon a vacancy in the fund.

1095. (*Lt.-Gen. Peel.*) Are officers so qualified afterwards taken according to the date of their application to retire upon full pay?—That I am not aware of. The recommendation comes from the Military Secretary, and if the officer is qualified in every respect the Secretary of State has no objection to his retirement.

1096. (*Chairman.*) Will you be good enough to put in the regulation with regard to the retirement on full pay to which you have just alluded?—"The "retired full pay list shall be limited to field officers "and captains, and the annual amount expended on "this head shall not exceed for the Guards and line "62,000*l.*, for the Artillery 32,000*l.*, and for the "Engineers 16,000*l.*, but lieutenant-colonels who "retire under article 88" (that is, compulsory retirement) "and all officers placed on this list prior to our "royal warrant of 1840 shall be supernumerary to "the above establishment."

1097. (*Sir J. Scarlett.*) With reference to the cases of Colonels Stephenson and Hardinge, what was the object of placing them in the situation in which they complain that they are placed?—The object was to reduce one field officer of the Guards in each regiment.

1098. The object was to reduce the senior field officer of the Guards in each regiment?—Yes; the original proposal was to reduce the lieutenant-colonel.

1099. The lieutenant-colonel who commands the two or three battalions?—Quite so. That was the first proposition. Then it was altered afterwards to reducing a major and leaving the lieutenant-colonel.

1100. Therefore this difficulty arises from the desire to reduce the senior officer of each regiment?—Yes, it was discussed whether the general officer commanding the brigade of Guards should be done away with or a lieutenant-colonel of each regiment. The decision was that a lieutenant-colonel of each regiment should be done away with. It was subsequently changed to reducing a major of each regiment.

1101. (*Mr. Whitbread.*) If that alternative proposition had been adopted would any hardship of a similar character to that of which Colonels Hardinge and Stephenson now complain have followed?—According to the usual practice Colonel Hardinge and Colonel Stephenson would have been placed upon half pay at once.

The witness withdrew.

Lt.-Gen. W. F. Forster, K.H.

LIEUT.-GENERAL W. F. FORSTER further examined.

1102. (*Chairman.*) I think you said that you would ascertain whether there had been any cases since those which are stated in Sir John Macdonald's evidence to have occurred about the year 1834, in which the Horse Guards had interfered at all on proof that an officer had given more than the regulation price for his commission. Have you discovered any case since the time referred to by Sir John Macdonald?—No; I desired inquiry to be made, and I failed in discovering anything of the sort, but I forget when that case which you refer to took place.

1103. The evidence was given by Sir John Macdonald before a Commission on promotion and retirement in the year 1838, and his statement was in answer to a question put to him by Lord Hill, who was then Commander-in-Chief. The question is in the evidence, No. 1919, "Do you ever remember an "instance within the last two or three years where it "came to my knowledge that more had been given "than the regulation allowed, and that I ordered it to "be cancelled?" His answer is, "I recollect one or "two cases;" and he mentions one. We have also had before us a letter from a lieutenant of the 55th regiment, which you said you would inquire into.—I have done so.

1104. That was in the year 1835, was it not?—In 1834.

1105. That was probably one of those cases referred to by Sir John Macdonald, in which notice was taken by Lord Hill, the then Commander-in-Chief, of more having been given than was sanctioned by regulation for a commission, and in which the officer was deprived of a year's rank in consequence?—I will hand in a memorandum upon that subject (*producing the same*).

1106. You have referred to that case in the records of the Horse Guards, and this memorandum explains it?—Yes. "The case of Lieutenant Carey, 55th "Regiment, was brought to the notice of the Com- "mander-in-Chief in January 1834 by a letter from "Captain Bird, then a retired officer, but late of the "55th, complaining of the non-fulfilment of a bargain "on the part of Lieutenant Carey. It appears that in "the year 1830 Lieutenant Carey was guilty of

"making a bargain with Captain Bird to give him "400*l.* for his company, to which he succeeded, "beyond the regulation price. The punishment "inflicted on Captain Carey for this breach of the "regulations of the service was the post-dating one "year of his commission as captain."

1107. Have you also looked out in the records the case of Colonel Denny, of the 71st Foot, who has given evidence before the Commission, from which it appears that the whole of the promotions in that regiment, including his promotion to the rank of captain, were cancelled in consequence of some arrangement which had been made for the payment of a sum of money to an officer retiring?—All the information that I can arrive at with regard to that circumstance is contained in this memorandum (*handing in the same*).

1108. Could you trace the papers in this case?—No, we could not.

1109. Colonel Denny has stated that no communication was made to the regiment from the Horse Guards of the reason why these commissions were cancelled, nor were any steps taken to cancel them until another vacancy took place, so that the cancelling of the old commissions was coincident in point of time with the re-gazetting of the officers to new commissions consequent upon another vacancy occurring, with the exception of the major, who was the only officer who refused to pay the extra money after having promised to do so. You cannot find any trace of that in the office?—No.

1110. (*Lt.-Gen. Peel.*) Would this be possible, that an ensign on half pay, having paid the regulation price of 450*l.*, and having been gazetted to a regiment, should afterwards be gazetted into another regiment and be called upon to pay an additional 450*l.* as the regulation price, and also to pay 200*l.* to the officers of that regiment?—He could not have paid 900*l.* for one ensigncy; it is impossible.

1111. He said he was not called upon in the case of the second ensigncy (which was in the 71st Foot) by Messrs. Cox to pay the 450*l.* for some months after he was gazetted, and that he was then called upon to pay 450*l.* with the interest upon it. Would it not have been necessary for the army agents, Messrs. Cox and Greenwood, to report to the Horse Guards that the regulation price of the commission was lodged in their hands before he was gazetted to it?—Certainly; he could not be gazetted until the money was paid.

1112. (*Mr. Hunt.*) Messrs. Cox and Greenwood might advance the money to him, might they not?—Yes; that would be a private arrangement.

1113. It may have been the case that they advanced the money and then reported it as lodged?—Yes, I suspect it is very possible that Colonel Denny might have purchased what they called a half pay ensigncy, which existed in those days.

1114. (*Sir J. Scarlett.*) But then he would not have paid the 450*l.* again, would he?—A great number of people purchased half pay ensigncies in those days to get a good interest for their money.

1115. Would such a person have had to pay the whole 450*l.* over again, or only the difference between half pay and full pay?—It appears to me a very extraordinary thing if he did pay the 450*l.* over again.

1116. There is no such custom now?—No, ensigncies on half pay are not now to be purchased.

1117. (*Chairman.*) Then are we to understand you as saying that since the case of Lieutenant Carey of the 55th and Captain Denny of the 71st, no instance has occurred in which any officer has been reported to the Commander-in-Chief an account of anything relating to an over-regulation payment?—Not that I am aware of.

1118. You cannot trace any record of any inquiry having been made or of any information having been received that would justify the Commander-in-Chief in interfering on that ground?—Certainly not, so far as I have been able to ascertain.

1119. Does not it also appear that those two cases which occurred about the year 1834 were both brought before the notice of the Commander-in-Chief in the way of a complaint of the money not being paid, though it had been agreed to be paid?—From that memorandum it would appear to be so. It would not have been represented at all if it had not been a grievance, I conceive.

1120. The grievance was not that the law had been violated by paying more or agreeing to pay more than the regulation price, but that the agreement to pay more than the regulation price had not been fulfilled?—Yes, I presume so.

1121. (*Mr. Hunt.*) With regard to these transactions that Colonel Denny speaks of there would be a record of them at the Horse Guards, would there not, if certain commissions had been gazetted and they had been afterwards cancelled by gazette, that would all be recorded?—It could be found in the gazettes certainly.

1122. You would be able to verify those statements in Colonel Denny's evidence?—I presume so. The only question is whether Colonel Denny is quite correct in what he believes to be the case himself, and what he has therefore stated to be the case.

1123. (*Lt.-Gen. Peel.*) It would be perfectly easy to find out from the gazette whether or not Captain Myddleton was gazetted a major?—Yes.

1124. (*Mr. Hunt.*) And whether his commission was afterwards cancelled, that is what I want to know?—Yes. The only question is as to how it was done, because the extracts from the gazettes which I have before me agree as to dates with what he stated.

1125. (*Sir J. Scarlett.*) Do you know of any case in which the Commander-in-Chief or the Secretary of State for War has taken notice of any extra money being paid unless those cases were brought before him by an indiscretion or by an action of this kind?—I do not know of any case under either of those circumstances.

1126. You know of no other case except these two?—No; but as you are aware it is a very difficult thing to look thoroughly into the records for a vast number of years. I can speak much more decisively with regard to what has taken place since I have been the Military Secretary.

1127. (*Lt.-Gen. Peel.*) In reference to the cases that have been brought to the notice of the Commander-in-Chief which you have laid before us, the punishment inflicted was not that pointed out by the Article of War, but merely suspension of a year's rank?—Nothing more that I am aware of.

1128. (*Sir J. Scarlett.*) The law was not carried out?—Not to the full extent.

1129. (*Chairman.*) I think you say that you have not been able to trace any papers in the case of Colonel Denny at the Horse Guards?—No, not any papers.

1130. Have you found any correspondence?—No, I think not.

1131. Have you found an official letter from Lord Fitzroy Somerset, who was then Military Secretary to the Commander-in-Chief, relating to that case?—I have, and I produce it (*producing the same*).

1132. The letter is addressed to "Major-General "Sir S. R. Chapman, K.C.B., Bermuda." I presume he was the commanding officer on the station?—He was.

1133. Will you read that letter?—It is dated "Horse Guards, 12 July 1833. I have had the honour to submit to the general commanding-in-chief your letter of the 1st of April, transmitting for his information a variety of papers which were placed in your hands by Major Levinge commanding the 71st Regiment explanatory of an arrangement by which Major Myddleton, Captain Denny, and Lieutenant Austen agreed to give Lieutenant-Colonel Jones late of that regiment sums of money each in excess of the regulation, and exhibiting a complaint on the part of Major Levinge that Major Myddleton had refused to

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fulfil the engagement he had entered into. Having perused these papers with the utmost attention Lord Hill deeply regrets that so gross an instance of irregularity should have been brought under his notice. He at once saw the necessity of vindicating the rules and regulations of the service, and of recommending that the promotion of the above-named officers should be cancelled; but in a matter involving a legal question he felt it his duty to solicit the opinion of the Judge Advocate General upon the course which he proposed to pursue, and now having obtained that opinion and finding it in accordance with his own, his lordship directs me to intimate to you that he will immediately submit to His Majesty that the appointment of Major Myddleton, Captain Denny, and Lieutenant Austen should be cancelled, and that they should revert to their former commissions."

1134. You have not then been able to find the letter from Sir S. R. Chapman enclosing Major Levinge's letter?—No, we have not been able to discover it yet.

1135. This is the only letter that you have yet been able to find bearing upon the point?—Yes.

1136. Have you got a copy of the Judge Advocate's opinion which is referred to here at the Horse Guards?—Probably that would be at the Adjutant-General's, but I can inquire for it.

1137. Will you be good enough to inquire for it?—I will.

1138. That letter probably would not reach Bermuda for several weeks in the then state of communication?—It would take about six weeks.

1139. It appears I think that the appointments were cancelled in the gazette of the 13th of September 1833, and that Lieutenant Denny was gazetted to a company by purchase on the 27th of the same month of September?—Yes, about a fortnight afterwards.

1140. Therefore probably he never heard of the first promotion being cancelled until he heard also of his being gazetted to a company on another vacancy occurring?—Yes, as he was at Bermuda at the time that might be so.

1141. (*Lt.-Gen. Peel.*) In point of fact the Horse Guards must have brought in a man perfectly unknown to Colonel Denny and the other officers in the regiment in order to give Lieutenant Denny the company?—I have no doubt of it.

The witness withdrew.

Adjourned to Tuesday next, at half-past one o'clock.

Tuesday, 17th May 1870.

PRESENT:

THE RIGHT HONOURABLE SIR GEORGE GREY, BART., M.P., G.C.B., IN THE CHAIR.

THE RIGHT HON. LIEUT.-GENERAL PEEL.
VICE-CHANCELLOR SIR WM. JAMES.
LIEUT.-GENERAL SIR JAMES YORKE SCARLETT, G.C.B.
MAJOR-GENERAL STEELE, C.B.
SAMUEL WHITBREAD, ESQ., MP.
P. H. MUNTZ, ESQ., M.P.

R. H. KNOX, ESQ., *Secretary.*

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LEONARD COLEMAN, ESQ., examined.

1142. (*Chairman.*) What office do you hold?—I am one of the assistants to the military secretary.

1143. In the Commander-in-Chief's office?—Yes.

1144. You are well acquainted, are you not, with the arrangements which have been made with regard to the present reductions in the army?—I am.

1145. Will you be good enough to state to us in what way the absorption of commissions takes place with a view of effecting those reductions. Take for instance, any cavalry regiment. I have before me now the 6th Inniskilling Dragoons. I see there is the name of a major placed in italics, which means that that commission is to be absorbed, does it not?—Yes.

1146. How does that process of absorption take place in the case of the second major in that regiment?—It can only take place on the occasion of the promotion, retirement, or death of one of the two majors.

1147. It can only take place in the case of the lieutenant-colonel or one of the two majors dying or being promoted?—Yes, or retiring.

1148. Supposing that either of those majors wished to sell, could he do so, and would the promotion go in the usual way?—At this moment the promotion would go through the regiment.

1149. (*Sir W. James.*) Will you explain why you say "at this moment?"—Because there happens to be no reserve fund to pay for it. If the reserve fund had been as it stood some time back it would have provided sufficient money to purchase up the vacancy, and the majority would not have been filled. There being no money available for that purpose now the promotion would go through the regiment.

1150. (*Chairman.*) Do you mean that it is owing to that fact, namely, that there is no money now in the reserve fund out of which the price could be paid to the officer retiring, that the promotion would be allowed to go in the regiment?—Yes.

1151. Is the effect of that that the officer retiring now by the sale of his commission would obtain what is called the "regimental value" of his commission, meaning the over-regulation as well as the regulation price, whereas if the reserve fund was rich enough to pay him the value of his commission he would only obtain the regulated price?—I have no knowledge of anything beyond the regulated price.

1152. Would he obtain from the reserve fund if it were rich enough, the regulated price of his commission?—Yes.

1153. Supposing one of these majors was entitled to retire, and wished to retire upon full pay or upon half pay, what would happen?—If he were to retire on half-pay the vacancy would be absorbed.

1154. Then if either of these majors retired on half pay now, the vacancy would not be filled up?—No.

1155. Supposing one of them were to retire upon full pay?—The same thing would take place.

1156. Is the same the case with regard to the supernumerary captains and lieutenants?—Yes.

1157. Then the absorption takes place in fact, in the case of an officer retiring upon half pay, and in every alternate case of retirement upon full pay, and in a case of vacancy by death, from the lowest to the highest rank of the regiment?—Yes.

1158. Does the same thing occur in the infantry with regard to captains?—Yes.

1159. There are no supernumerary majors there?—No.

1160. In the case of a regiment where two captains are placed in italics as supernumeraries, may a captain in that regiment sell his commission just as he might have done before, and will the promotion go in the regiment as it would have done before these reductions were decided on?—Exactly, for the present.

1161. But if he retires upon full or upon half pay, what would happen then?—Supposing he retires upon full pay, it would depend upon whether it was the turn to fill the vacancy. If he retires upon half pay, the vacancy would be absorbed.

1162. Take the case of two majors in a cavalry regiment. Supposing the senior major wished to retire upon half pay, what would be done?—That vacancy would be absorbed.

1163. Then supposing the only remaining major wished to retire upon half pay, he might do so upon the usual terms, the promotion going in the regiment? —When there is only one major, he would retire upon half pay under whatever arrangement His Royal Highness thought proper to sanction.

1164. Does that apply to all ranks where there are supernumeraries?—Yes.

1165. Take the case of a regiment where there are several supernumerary lieutenants. Suppose a lieutenant entitled to retire and wishes to retire upon half pay, what would happen in that case?—Those vacancies invariably go to the public. They are not looked upon as falling within the category of those of which every other vacancy is filled.

1166. They are absorbed?—They are absorbed.

1167. That applies to the case of supernumerary lieutenants?—It applies to the case of any officer going upon half pay in any rank where there are supernumeraries.

1168. I suppose that scarcely any lieutenant is entitled to retire upon full pay by reason of length of service; therefore the case of a full-pay retirement would not occur with regard to the lieutenants?—No, it does not occur.

1169. But in the case of two supernumerary captains assuming that by length of service a captain was entitled to retire upon full pay, the vacancy would be absorbed?—It would depend upon whether it was the turn for it to be filled or not.

1170. How would it be with the first one?—The first would be absorbed.

1171. And the second?—The second would go in the regiment.

1172. Therefore assuming that there is any pecuniary interest which an officer has in retiring upon full pay, the first officer would lose it and the second would not lose it; is that so?—I imagine so.

1173. Was the same rule adopted in the reductions which took place after the last war?—The captains went on half pay; they were not kept as supernumeraries, but the subalterns were retained.

1174. Those officers who would under the present arrangements be supernumerary captains were then placed on half pay?—Yes.

1175. Then supposing they had bought their commissions as captains, they had no power of selling them until they came back again upon full pay?—No. They could not sell until they came back again upon full pay.

1176. Could they sell a half-pay commission?—No; the rule did not exist at that time of selling a half-pay commission, unless the object of the officer selling was to become a settler in one of the colonies.

1177. Then an officer placed upon half pay under those circumstances would lose all the money he had expended for the purchase of his commission, either as regulation price or as over-regulation?—He could not realize anything.

1178. The officers are treated more considerately now by being kept as supernumeraries?—Unquestionably they are.

1179. (*Gen. Peel.*) When an officer makes an application to His Royal Highness the Commander-in-Chief to sell his commission, he forwards that application to this department, does he not?—He forwards it to the Horse Guards only.

1180. Certainly the officer who makes the application forwards it only to the Horse Guards?—Yes.

1181. Does not the question of the purchase of that commission out of the Army Reserve Fund or in the regiment depend entirely upon this office, and not upon the Horse Guards?—It depends entirely upon the Secretary of State for War.

1182. In many cases if the officer next for purchase is an officer of very long service or very long standing, have not applications been made to this department on the part of His Royal Highness for the promotion to go in the regiment?—Yes.

1183. After the late Crimean war you say a great many captains were placed upon half pay, was not it an inducement held out to those officers who had obtained brevet rank for distinguished conduct in the field, that they having been made brevet-majors, in order to make vacancies their brevet rank was converted into substantive rank?—Yes.

1184. The consequence of that was, I think, that there were very few captains placed upon half pay?—No, there were a great many notwithstanding.

1185. Those captains who went upon half pay were brought back upon full pay as soon as opportunities offered?—Yes.

1186. (*Sir W. James.*) In the regiments where there are two majors one of whom is supernumerary, you say that in the present state of the Reserve Fund, if one of them wanted to sell out he would be allowed to sell out and the promotion would go in the regiment? —Yes.

1187. Then there would still be two supernumerary majors?—Yes, the state of things would remain the same.

1188. A captain would become a major, but he would be put in italics?—Yes.

1189. (*Chairman.*) Will you be good enough to look at Article 71, of the Warrant of February, 1866, called "Regulations as to Pay and Promotion." That Article says: "If a supernumerary major shall "purchase the lieutenant-colonelcy of his regiment, "the supernumerary majority shall be absorbed by "payment from the Reserve Fund of the difference "between the amount to be paid by the major so "promoted, and the amount required for a lieutenant-"colonelcy;" that is not adhered to now, is it?—We have not had a case since the Reserve Fund has been expended. I was only speaking of what would be the case, and describing the course we are pursuing with regard to sales of commissions where there are supernumeraries.

1190. Supposing the major in one of these cavalry regiments now should purchase the lieutenant-colonelcy of his regiment, would the captain be promoted to the majority?—I imagine so.

1191. The Article 71 is not now acted upon in consequence of the deficiency of the Reserve Fund?—Yes.

1192. Will you look at the following Article 72, it says: "If a captain shall be promoted to the rank of "major, a lieutenant to the rank of captain, or a "cornet or ensign to the rank of lieutenant, by pur-"chase, while seconded or supernumerary, the super-"numerary commission shall be absorbed by payment "from the Reserve Fund of the difference between the "sum paid by him and the amount required for "their superior commission;" is that acted upon now? —No, not now, but the practice has been to absorb every other sale vacancy, giving the regiment the benefit of every alternate one.

1193. Take the case of promotions by army seniority when a general dies the senior colonel in the army becomes a major-general does he not?—Yes.

1194. The senior major becomes a lieutenant-colonel and the senior captain a major?—Yes.

1195. Does the promotion go below that?—No.

1196. Take the case of a major becoming lieutenant-colonel by seniority in that way, what becomes of his vacancy?—There is no regimental vacancy at all. What he gets is merely army rank.

1197. He retains his majority in the regiment?—Quite so. He remains in the regiment until he becomes a major-general.

1198. I believe you prepared a paper which has been laid before us containing some statistics with reference to promotions and absorptions?—I did.

1199. Referring to your "Return of the number of "full-pay commissions of each rank in purchase corps "which have been absorbed on reduction during the "past five years," I see that in the 7th Hussars in the

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year 1867–8 one lieutenant-colonelcy was absorbed?—Yes.

1200. What were the circumstances under which that lieutenant-colonelcy was absorbed?—I do not recollect that case. I have forgotten it at the moment.

1201. Could there be a supernumerary lieutenant-colonel now?—Yes, there might be.

1202. There is one other case, in the 1st Foot, where a non-purchase lieutenant-colonelcy was absorbed?—Yes.

1203. Do you know the circumstances under which that absorption took place?—No, I do not.

1204. Until within the last few years there were two lieutenant-colonels in the cavalry regiments in India, were there not?—There were.

1205. Was it the practice to reduce one of those lieutenant-colonels on the return of the regiment to England?—Yes.

1206. How was that effected?—The junior lieutenant-colonel was placed upon half pay.

1207. Was that the common practice?—Yes.

1208. But was it not occasionally if not frequently the practice instead of placing the junior major of the regiment returning from India on half pay to place him as the additional major in the relieving regiment going out to India?—Yes, that has been done.

1209. (*Mr. Muntz.*) If I understood you correctly, in the present unsatisfactory state of the Reserve Fund the second major of a cavalry regiment would not be absorbed?—He would not be absorbed if a sale took place.

1210. That is to say, the promotion would go in the regiment?—Yes, because the officer selling requires so much money and the Reserve Fund cannot make it up.

1211. The senior captain purchases?—Yes.

1212. Supposing afterwards the Reserve Fund became in a more satisfactory state he could be put upon half pay by merely paying his regulation money, could he not?—He could be put upon half pay and the vacancy absorbed. There would be no regulation or any other money to be paid in that case. If he went upon half pay there would be no money passing.

1213. But the vacancy would be absorbed; the promotion would not go in the regiment?—Just so.

1214. (*Mr. Whitbread.*) With reference to a question which has been put to you with regard to applications having been made on the part of the Commander-in-Chief to the War Office in the case of officers of long standing to allow the step to go in the regiment, will you state what was the object of those applications?—It was because a rule had been laid down that a step should be absorbed, and His Royal Highness the Commander-in-Chief had not the power to break through that rule without the concurrence of the Secretary of State for War.

1215. Was not the effect of allowing the step to go in the regiment to enable the selling officer to get the ordinary price of his commission from the officer below him, instead of getting the price of the step from the Reserve Fund?—He would receive the money certainly from an individual instead of from the fund.

1216. (*Sir W. James.*) Would it not enable him to make his own terms with the individual who was to succeed him?—I do not know about that.

1217. Did it not put it in his power to make his own terms?—He was at liberty to do as he thought proper about that.

1218. (*Sir J. Scarlett.*) It would save the Reserve Fund, would it not?—Yes.

1219. And the money would be extracted out of the pockets of the officers?—Yes.

1220. (*Mr. Whitbread.*) Have you ever known any instances in which applications in the interest of the officer who sells have been made by officers of long standing, that the step caused by their retirement should be allowed to go in the regiment instead of the vacancy caused by their retirement being absorbed?—No. In such cases an application of that kind would be made in the interest of the officer to be promoted, not in the interest of the officer selling. His Royal Highness the Commander-in-Chief would only step out of the beaten track in consequence of the long services of the senior officer in the lower rank; certainly not in the interest of the officer selling.

1221. Would he not do so in the case of a pending absorption?—It would not be in the interest of the officer retiring; it would be only in the interest of the officer purchasing the step that the application would be made. His Royal Highness would not consider the interest of the officer retiring, as over-regulation price, as it is termed, is not recognised; and as regards the regulation price, of course it would be just the same thing to the officer retiring whether he received it from the fund or from an individual.

1222. (*Sir J. Scarlett.*) The application would be in favour of a very meritorious officer, who stood first for promotion, supposing it was a saleable commission?—Yes, it would be in consequence of the great length of service or the great claims of the officer who was the senior for purchase.

1223. (*Lt.-Gen. Peel.*) In some instances application has been made, has it not, by a senior officer of very long standing for the promotion to go in the regiment without purchase?—Yes, that has been done in very rare cases.

1224. (*Chairman.*) You mean that in the case of an officer retiring upon half pay in which the public according to the general rule gets the benefit of it, the promotion has been allowed to go in the regiment in certain cases on account of the very long service of the officer who would get the promotion?—Yes.

1225. (*Maj.-Gen. Steele.*) If the lieutenant-colonel of a regiment after 25 years' service wishes to go upon half pay the promotion invariably goes in the regiment, does it not?—Yes.

1226. And he is allowed to make his own terms with the officer succeeding him?—I cannot say about that.

1227. (*Mr. Whitbread.*) What is the object of allowing the promotion to go in the regiment?—The rule is laid down in the warrant which governs all the promotions in the army. If it is a lieutenant-colonel who retires, the Reserve Fund gets 4,500*l.* as a set off to the half pay created by the retirement of the officer.

1228. (*Chairman.*) Is the case common of an officer in command of a regiment exchanging with an officer of the same rank from the half-pay list?—It is not common.

1229. It is done sometimes, is it not, with a view to enabling an officer on the half-pay list to sell?—Yes.

1230. Then where does the money come from which he receives for his commission?—He gets the money; the money is supplied by his successors.

1231. He sells and the promotion goes in the regiment?—Yes, the two officers exchanging being of similar age.

1232. Is there any regulation difference that is paid by one of those officers to the other?—There is no regulation difference paid now, and there has not been for many years.

1233. That exchange could only take place, of course, with the sanction of the Commander-in-chief?—Certainly.

1234. (*Lt.-Gen. Peel.*) If the officer who is brought in from half pay has received the regulated difference between half pay and full pay, he repays it does, he not?—He is obliged to repay it.

1235. (*Mr. Whitbread.*) You have spoken of two cases in which a step of promotion which would otherwise have been absorbed is allowed to go in the regiment, one in the interest of the officer who was next below for promotion, and the other in the interest of an officer who had had long service?—The one would be by purchase and the other without purchase. A vacancy of this kind might occur, an officer wishes to retire upon half pay, and his vacancy should properly be filled from the half-pay list, but cases have occurred where, in consequence of the long service of the senior officer in the rank below, His Royal High

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ness has thought proper to recommend to the Secretary of State that he should be given promotion without purchase.

1236. (*Chairman.*) What are the cases in which an officer is brought in from the half-pay list, to fill a vacancy in a regiment. I do not mean in the command of a regiment, but in any rank?—If an officer goes upon temporary half pay, being a regimental officer he must be succeeded by an officer from the half-pay list.

1237. What do you mean by going upon "temporary "half pay"?—It occurs when an officer is not entitled to permanent half pay.

1238. When either ill health or other circumstances render it necessary that he should go, and he is not entitled to permanent half pay he goes upon temporary half pay?—Yes.

1239. Then an officer so retiring has no means of obtaining anything from the other officers of the regiment because the promotion caused by his retirement does not go in the regiment?—No, but that does not apply to the present state of things when there are supernumeraries. If an officer wished to go upon temporary half pay now there would be no vacancy. I am speaking of the state of things at the present moment.

1240. (*Sir W. M. James.*) I suppose when an officer is brought from half pay to full pay to fill up the place of another who is going upon half pay the selection of the officer so brought in is made at the Horse Guards?—Yes.

1241. (*Chairman.*) Will you look at Article 90 at page 9 of the regulations respecting pay and promotion in the warrant of February 1866?—Yes.

1242. (*Mr. Whitbread.*) That article gives an officer an unqualified right after 25 years full pay service to retire upon half pay. The step in that case would go through the regiment, would it not?—Yes.

1243. That is strictly in the interest of the officer with that long service, not in the interest of the officer who is to succeed him, is it not?—It is in the interest of everybody. It is in the interest of the officer retiring, and it is also in the interest of the regiment.

1244. But the rule is made in the interest of the officer who retires not with regard to the long service or other claims of the officer who is to succeed him?—It is more in the interest of the officer retiring, certainly.

1245. And it does enable that officer to make his own terms, does it not?—I do not know about that.

1246. (*Sir J. Scarlett.*) It does not seem to be advantageous to exchange full pay for half pay and to be allowed to retire upon half pay unless a man is very much worn out?—No, and yet there are many applications for it.

1247. (*Chairman.*) I see that Article 88 of the regulations to which I called your attention just now, says: "A regimental lieutenant-colonel shall retire from the "command of a regiment or battalion on attaining "the age of 60 years," are those compulsory retirements on attaining the age of 60 common?—They are not common but they occur occasionally.

1248. I presume they are not common because an officer either sells out or retires upon full or half pay before he attains that age, as a general rule?—Yes.

1249. (*Lt.-Gen. Peel.*) Have any compulsory retirements taken place?—Yes.

1250. (*Chairman.*) When one of those compulsory retirements takes place how does the promotion go?—The promotion goes without purchase, provided it is not necessary to absorb a commission.

1251. In the regiment?—Yes, in the regiment.

The witness withdrew.

COLONEL THE HONOURABLE ARTHUR E. HARDINGE, C.B., and COLONEL FREDERICK CHARLES ARTHUR STEPHENSON, C.B., further examined.

Col. the Hon. A. E. Hardinge, C.B.
Col. F. C. A. Stephenson, C.B.

1252. (*Chairman, to Col. Hardinge.*) Since you were here the other day the correspondence which was then referred to has been circulated to members of the House of Commons, and I have a copy before me. I see that in your joint letter, signed by both of you, of the 7th of August 1869, to the Military Secretary, the following passage occurs:—"We would "respectfully submit that in dealing with our cases "the full regimental values of our commissions cannot "with justice be ignored." And in a letter signed by Col. Hardinge alone, in the absence of Col. Stephenson from England, dated the 22nd of January in the present year, you say: "I beg to explain that the "expression, 'the full regimental values of our com-"missions cannot in justice be ignored;' that occurs "in our joint letter dated the 7th August 1869, does "not refer to any fictitious price, but to the standard "value fixed by regimental custom recognised through-"out the service, repeatedly admitted in the conside-"ration of the purchase system as a public question; "the sum, in short, which every officer who returns "his name for purchase is obliged to lodge." Will you explain what you mean by the last sentence in that letter, in which you say that every officer who returns his name for purchase is obliged to lodge not the regulation price only, but what you term "the regimental value" of his commission?—I allude entirely in that passage to what is the custom of the regiment, namely, that an officer who returns his name for purchase would be understood to lodge the regimental price.

1253. That understanding would be as between him and the officers who would gain promotion by his retirement, would it not?—It would be an understanding between him and the officers of the regiment generally.

1254. But the obligation is a moral and customary one?—Certainly.

1255. You do not mean to put the obligation upon the same footing as the obligation to lodge the regulated price in the case of officers purchasing commissions?—Certainly not. I only allude to the custom.

1256. Is this non-regulation price or over-regulation price paid generally through the army agents in the same way as the regulation price?—Yes, I believe invariably.

1257. Has what you would call the standard value affixed by regimental custom to the different commissions been the same ever since you have been in the Coldstream Guards?—I think so.

1258. With the exception, of course, of the variation which took place during the Crimean war, which you alluded to the other day?—I think it has been constant.

1259. There has been no material increase or decrease in it?—Since I have been in the Coldstream Guards it has been constant.

1260. Do you know how long the present rate has prevailed?—I cannot answer that question.

1261. It has prevailed at any rate all the time you have been in the Coldstream Guards?—Yes.

1262. (*To Col. Stephenson.*) Is that the case also in the Scots Fusilier Guards?—I think it is, generally speaking, the same. There may possibly have been an increase of 100*l.*, but to the best of my recollection when I joined the regiment it was within 100*l.* of what it is now.

1263. (*To Col. Hardinge.*) The other day, in answer to Question 880, which referred to the reductions which are taking place in the regiments of the line, you said that you knew "the arrangement and the "proposed means of dealing with those officers who "are placed in italics, both with regard to the infantry "and the cavalry," and you went on to say, "and "Colonel Stephenson and myself only wish that the "method of dealing with them may be applied to us "in the same way." Are you fully aware of the method which is adopted in dealing with officers, either

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supernumerary majors in the cavalry or supernumerary captains in the infantry, now if they wish to retire upon half pay?—I only know it from the answers Mr. Cardwell gave in the House of Commons to questions having reference to dealing with officers in that position. From the answers which Mr. Cardwell gave I imagined that the mode of treating those officers would be such as I then described it. I had no other way of interpreting what Mr. Cardwell said.

1264. We have been informed to-day by a witness from the Horse Guards, who is conversant with all these arrangements, that you are right so far as relates to the sale of commissions, and that a supernumerary major in the cavalry or a supernumerary captain in the infantry, or indeed any captain in a regiment where there are supernumeraries wishing to sell his commission, would be allowed to do so, and the promotion would go in the regiment; but that in the case of a major or captain retiring upon half pay the commission would be absorbed and no promotion would take place in the regiment. Is not that exactly the same position as that in which you are now placed in the Coldstream Guards? We understand that your wish is not to sell but to retire upon half pay?—I think the case is not exactly the same, for this reason, that there is no half pay to the Guards; therefore an officer retiring from the Guards to half pay goes upon the half pay of the line. There would be no difference in his position after he had retired from the Guards from that of an officer who had retired from the line. But there is a difference between even the regulation price of our commissions in the Guards and the regulation price of a lieutenant-colonelcy in the line. In Mr. Cardwell's first letter of the 24th of July, he tells Colonel Stephenson and myself that we may retire upon half pay in the usual manner. Now according to the regulated value of our commissions, if we were to claim under the terms of the Royal Warrant an unqualified right to retire upon half pay, that right would really be qualified by the sacrifice on the part of each of us of 300*l.*, which is the difference between the regulation value of our commissions in the Guards and the regulation value of a lieutenant-colonelcy in the line. Mr. Cardwell in his letter to us makes no allowance for that difference.

1265. That is quite irrespective of any loss you might incur by not obtaining the customary payment on your retirement on half pay or on selling your commission?—Yes, it refers entirely to the regulation price.

1266. But in this correspondence, if I understand it rightly, you have both of you asked that the promotion might go in the regiment?—Quite so.

1267. That would of course enable either of you wishing to retire by the sale of your commission or to go on half pay to make the usual terms with the officer succeeding you, and to obtain the customary payment?—Yes.

1268. You are not aware perhaps that now any officer retiring upon half pay where there is a supernumerary either in the cavalry or in the infantry would not be able to make those terms with any other officer in the regiment because his commission would be absorbed? To that extent is there any difference between your position and that of any other officer who is a supernumerary?—Not in that part of the Government arrangement, but the officers mentioned could scarcely have the required service, to constitute their claim to half pay.

1269. (*Sir J. Scarlett.*) Do you consider yourself a supernumerary in the Guards now?—Certainly not. The officers who are italicised are the supernumerary officers.

1270. (*Mr. Whitbread.*) Is there any other instance of an officer after 25 years full pay service claiming under the warrant of 1866 to go upon half pay where the step has not gone in the regiment?—I believe not. It is rather difficult for individuals always to ascertain thoroughly matters involving precedence of this kind. So far as we can hear, I believe there is no such case. We have to depend very much upon hearsay on these points, having no official means of ascertaining the facts.

1271. (*Lt.-Gen. Peel.*) If you will look at page 11 of the correspondence you will see that in your letter of the 7th of March you make an application "that "promotion should be allowed to go in my regiment, "as this course has been sanctioned with regard to "the cornets of the Household Cavalry;" is not that a mistake?—No, it is no mistake. Perhaps I have expressed myself badly in that letter, but this latter sentence had reference to the precedent of the cornets of the Household Cavalry. They were put into italics, but the promotion was allowed to go on in their case in defiance of the italics. Therefore I quoted this which had been allowed for the benefit of the cornets in the regiment of Household Cavalry as a precedent that might extend to the case of the field officers in the Household Regiment of Infantry, and that the italics should not be a bar to the promotion going on in the regiment.

1272. I understand that the reason why you say a difference is adopted in your case as compared to the case of other officers is, that in the Guards there are no junior commissions to absorb?—There are no ensigncies to be absorbed, but in the Household Cavalry they put a certain number of cornets into italics.

1273. But the promotion to a cornetcy could not go in the regiment?—When these cornets leave the regiment their steps are not absorbed, but incomers succeed to them in spite of the italics.

1274. But then they get no advantage because nothing can be paid beyond regulation for a cornetcy?—I only cited it as an instance showing that italics had not, by the present Government been made inviolably the immediate precursors of absorption.

1275. (*Chairman.*) I have the Army List here, and in the 1st Life Guards I see four cornets in italics. Do you mean that supposing a vacancy were to take place among the lieutenants in that regiment the senior cornet for purchase would obtain his promotion to be lieutenant, and that another cornet would be appointed to the vacancy?—Yes; another would be brought in at the bottom and appointed to his vacancy. That has been repeatedly done, and therefore the absorption of these cornets, though they are italicised, has been indefinitely postponed. In that case the analogy is complete between their treatment and that we desired for our field officers.

1276. Is that the case in any other regiment?—No. I believe in none.

1277. Do you know the reason why it has been done in that case?—I believe the reason of it is connected with the requirements of London duty.

1278. Do you mean that practically a reduction could not take place without interference with the duty that the regiment has to perform?—I believe that that is the reason. I have been told so.

1279. (*Lt.-Gen. Peel.*) Does not the price of the cornetcy go to make up the money which the officer retiring has to receive?—To some extent I presume it would.

1280. (*Chairman.*) What is the price of a cornetcy in the Life Guards?—It appears in the Army List as being 1,260*l.*

1281. In fact does the whole of your case rest upon the loss which would accrue to you, under the present circumstances, if you wished either to sell out or to retire upon half pay, the loss being what is usually paid as over-regulation price, or the sum equal to over-regulation price which is usually given to an officer retiring upon half pay?—Not entirely; because we spoke also, of course, on behalf of the interests of our regiment. I have explained also how, by retiring upon half pay, we would lose the Regulation difference between our commissions in the Guards and a Lieutenant-colonelcy of the line.

1282. But that is the case, so far as regards the pecuniary question, affecting yourselves?—As far as regards the pecuniary loss to ourselves, it is entirely limited to that.

1283. (*Mr. Whitbread.*) Your demand is, that the contemplated absorption in the rank of field officer in your regiment should not take place until there is a non-purchase vacancy?—Exactly.

1284. But that in the mean time you should be allowed to exercise the ordinary option of retiring by the sale of your commissions or upon half pay?—Yes.

1285. (*Sir. J. Scarlett.*) And being succeeded by your junior?—Yes. What we felt was, as regards this letter of Mr. Cardwell's, that nothing could be more substantial than the indemnification to Colonel Bruce, because that benefit was purchased by the loss of a step of rank to every officer in his regiment. With regard to us, the proposal to treat us in the same way was rendered impossible by the very nature of the arrangement. The proposal was, in fact, limited to a *post obit* upon the life of one of our junior majors.

1286. (*Chairman.*) That is as regards yourselves?—Yes.

1287. But with regard to your field officers, if you became a major-general, precisely the same thing would take place in your regiment as has taken place in the Grenadier guards?—Yes; except that, as I stated before, the process would be one of ascension there, and in the Grenadiers it was one of declension.

1288. (*Mr. Whitbread.*) By way of strengthening your case you point to the case of some cavalry regiments whose officers have been marked for absorption and not absorbed until a non-purchase vacancy arrived in their regiments?—Yes, they have been perpetually renewed. They are being perpetually renewed amongst the cornets of the Household cavalry.

The witnesses withdrew.

CHARLES HAMMERSLEY, ESQ., examined.

1289. (*Chairman.*) Have you prepared the tabular statement which you said you would lay before the Commission, of the regulation prices and the average over-regulation prices paid for commissions in the cavalry and the infantry?—Yes.

1290. Will you be good enough to put it in?—I will. (*The same was handed in*, App. X.)

1291. Have you also prepared a return of the number of promotions in the year 1869 in the regiments in your agency?—Yes, I put in that statement also. (*The same was handed in*, App. X.)

1292. Are the regiments in the West India and other colonial corps included in the average given in that tabular statement?—The two West India regiments for which we are agents are included.

1293. Does the same practice exist in those regiments of paying over-regulation price which exists in our home regiments?—I believe it does perhaps not quite to such an extent, because the officers are poorer men generally.

1294. The price given is less?—Yes, I should say that it was less.

1295. Has the average amount of the over-regulation payment in time of peace been the same or nearly so throughout the 30 years during which you have acted as agent?—I think it has varied very little. Perhaps it is rather less now than it was in the ante-Crimean period.

1296. Then in any case it is not upon the increase you think?—No.

1297. Have you any means of informing us of the earliest time at which the payment of sums in excess of the regulation is known to have existed?—I cannot trace the earliest case of it, but I should presume from the Act to which you referred to on the former occasion being passed in 1809 that the practice was rife then.

1298. Pending the negotiation for the purchase of a commission is a written engagement usually given by or on behalf of the officer to be promoted that he will pay the usual over-regulation money?—I think the retiring officer makes his own arrangement with the senior officer for promotion. He may either take a written guarantee, or he may be satisfied with his word that he will pay the money.

1299. Is the over-regulation price paid before the promotion is gazetted?—That is occasionally done, but I should say that it is not usually. A very careful man will insist upon having the over-regulation money lodged before he sends in his papers, but that is rather an unusual case of caution.

1300. Are you aware of any exchanges having taken place between officers in the purchase and the non-purchase regiments under Article 63 of the Royal Warrant of 1866. That Article says, "Exchanges "may take place between the officers of any of the "services designated in Article 59 whether the pur-"chase system be permitted or not in the regiments "concerned," have any such exchanges come under your cognizance?—I think there have been one or two in the Indian regiments.

1301. In the case of such an exchange would not the officer going from a purchase to a non-purchase regiment lose what he had given for his commission in the purchase regiment (I mean the regulation price), as he could no longer sell his commission?—He could not.

1302. If he bought his commission therefore, he would lose the regulation price?—Yes.

1303. Then where any such exchange is made, is money paid by one officer to the other?—I should think so decidedly, but I cannot exactly put my finger upon a case at this moment. I think there have been such cases, but I cannot speak positively. I see by referring to Hart's Army List that there is one officer who is reported as a purchase officer.

1304. In what rank?—A captain. He purchased his lieutenancy and his company, and therefore he must originally have been in a purchase corps, and then he has exchanged as a captain into a non-purchase regiment.

1305. What inducement could he have had to do that, unless he received money from the officer with whom he exchanged; he would lose his right to sell his commission after that, of course?—Yes.

1306. Consequently he would lose all that he had given for his commission?—The India Government have allowed officers on retirement from these regiments the value of their commissions.

1307. Do you mean the regulation value?—Yes, in those Indian regiments. That must be considered as a commutation of the half pay. Instead of going upon half pay, they allowed them to receive the value of their commissions.

1308. Even in those non-purchase regiments?—Yes.

1309. Where does the money come from?—The India Government provides it.

1310. (*Lt.-Gen. Peel.*) Were those cases of officers who had been in the Indian service previously, or were they officers brought in from the Queen's army?—The case that I recollect happened last year. It must have been an officer from in the Indian service.

1311. (*Chairman.*) Do you mean that an officer exchanging from a purchase regiment into a non-purchase regiment would be allowed, if he retired, the sale of his commission by the India Government?—Yes.

1312. Although he had never been in the Company's service formerly?—They allow that to their own officers certainly, and therefore I presume they would allow it to a Queen's officer who had exchanged into one of those regiments.

1313. The regulations say that an officer exchanging into a non-purchase regiment has no right to sell unless he shall exchange into a purchase regiment again; that "his right shall be put into abeyance"?—Yes.

C. Hammersley, Esq.

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I really did not know that the question would be asked me, or else I could have followed out that case. There certainly was a case last year, in which the India Government allowed a retiring officer in a non-purchase corps the value of his commission, and it was paid by the India Office.

1314. But you do not know whether that was the case of an officer who had exchanged from a purchase regiment into one of those non-purchase regiments or not?—I think not.

1315. Then it may have been one of the officers who were originally in the Company's service before the transfer to the Queen took place?—Yes, he may have been originally in the Company's service; but after all that would only amount to allowing him to commute his pension. He would have been allowed otherwise, to retire upon pension, instead of which they paid him 1,200*l.* down for his commission.

1316. (*Lt.-Gen. Peel.*) Might not there be another reason for that, namely, that they could not move one of those regiments from India without the consent of the officers?—Officers having been posted to the regiments on their own application, their consent to move from India could hardly be necessary.

1317. (*Chairman.*) In the case of the exchange I have referred to, of officers from a purchase to a non-purchase regiment, I think you said you presumed that money was paid; but have you the same cognizance of that that you have of over-regulation price being paid in ordinary cases?—My information in all these cases I may say is very vague. I really cannot speak positively in any case. I see a sum of money go to an officer's account. Of course it is not my duty to inquire what it is for. I have no right to do so, and I do not inquire. I only form my own conclusions.

1318. In the return you put in of promotions in the year 1869 you have given the number of commissions by purchase, the number without purchase, and the number of those that were by purchase which were for the regulation price only. These last were 66 out of 455. Can you inform us under what circumstances these promotions took place for which the regulation money only was paid?—They were for various reasons. Some were occasioned by death vacancies, which were filled up by officers who were not entitled to a commission without purchase. Then again, there were promotions to the Indian staff corps; those are probationers. The vacancies created by their appointments were filled up generally without purchase, or on the payment of the regulation merely.

1319. If an officer becomes a probationer for the Indian staff corps does the promotion go in the regiment?—Yes, as a rule, it would go in the regiment, and that steps would be filled up on the payment of the regulation price. The officer appointed would pay nothing more for it than the regulation. For instance, most of them are lieutenants, the lieutenancy would be filled up by promoting an ensign, who would pay nothing beyond the regulation.

1320. (*Mr. Whitbread.*) When you said that a vacancy was filled up by purchase, because an officer was not entitled to the step without purchase, which officer did you mean was not so entitled?—All officers in succession to the retiring officer, assuming that they were not qualified by length of service to the step without purchase.

1321. (*Chairman.*) It would include cases of compulsory retirement, would it not?—It would include cases of compulsory retirement and promotion by death where officers were not entitled to promotion without purchase, and the vacancies created by officers being appointed probationers to the Indian Staff Corps.

1322. Therefore is it the case that few if any of these 66 cases are cases of ordinary regimental promotion by the retirement of an officer by the sale of his commission?—It is very difficult indeed to give any fair opinion upon the matter. I had considerable difficulty when I was endeavouring to give the Commission the information you were anxious to have in satisfying myself upon the point. I found sums passed through officers' accounts which I could not account for in any way whatever.

1323. But in all the 455 cases in which commissions were purchased, with the exception of these 66, some money was given in excess of the regulation price?—No, I cannot say that at all. I only know, speaking generally, that the practice is a very general one, but I am not at all prepared to say that all the difference between 455 and 66 represents promotions for which over-regulation price was paid.

1324. But the 66 are the only cases in which you have ascertained that nothing but the regulation price was paid?—Yes, for various reasons, either from forced retirements or death, or in the case of probationers.

1325. But in the case of death, the promotion is given in the regiment without purchase, is it not?—Not always; it depends on the service of the officer to succeed. If the senior officer has not served long enough to entitle him to promotion without purchase he would be called upon to lodge his money, and the Reserve Fund would get the benefit of it.

1326. (*Lt.-Gen. Peel.*) Or if the death took place in consequence of wounds within six months afterwards, that would be a purchase vacancy, because otherwise the friends of the officer who died would not get his money back again?—The money in this case would be provided by a vote from Parliament.

1327. (*Sir J. Scarlett.*) It has been stated by an officer who came to give evidence here, that he purchased an ensigncy twice over, can that be possible?—He must have retired and re-entered the service.

1328. He states that he purchased a half-pay ensigncy, giving the full price for it, and that he was called upon a second time to pay the full price of an ensigncy to be placed on full pay?—Of course if the officer says so, it is true, but I never heard of such case, and I do not understand how it could be.

1329. From your knowledge of the promotion generally you would imagine that that could not be the fact?—I should think that he must be mistaken about it; I never heard of such a case.

The witness withdrew.

Adjourned.

Monday, 30th May 1870.

PRESENT:

THE RIGHT HONOURABLE SIR GEORGE GREY, BART., M.P., G.C.B., IN THE CHAIR.

THE RIGHT HON. LIEUT.-GENERAL PEEL.
THE RIGHT HON. GEORGE WARD HUNT, M.P.
VICE-CHANCELLOR SIR WM. JAMES.
LIEUT.-GENERAL SIR JAMES YORKE SCARLETT, G.C.B.
MAJOR-GENERAL STEELE, C.B.
SAMUEL WHITBREAD, ESQ., M.P.
P. H. MUNTZ, ESQ., M.P.
R. H. KNOX, ESQ., *Secretary.*

LIEUT.-GENERAL SIR EDWARD LUGARD, G.C.B., further examined.

Lt.-Gen. Sir E. Lugard, G.C.B.
30 May 1870.

1330. (*Chairman.*) We understand that it was the practice formerly to allow an officer on full pay in a regiment to purchase a half-pay commission in the rank immediately superior to his own, selecting the officer with whom the arrangement was to be made; and then having got a step of rank by that means, to exchange again with an officer of equal rank on full pay—was that the practice formerly?—The practice, with exception of selecting the officer, still exists.

1331. Can a captain, for instance, in a regiment now make a private arrangement with a major on half pay to purchase his commission and then exchange with a major on full pay?—No, he cannot do the first of those things.

1332. That was the distinction to which I wished to call your attention. Was it the case formerly that in the case of those purchases of half-pay commissions the officer desiring to purchase selected the person with whom the arrangement was to be made, and consequently might make his own bargain with him?—Formerly officers on half pay were allowed to sell their commissions on condition of proceeding to settle in the colonies. Those commissions were purchased by full-pay officers serving in the grade below. They made their bargain with the half-pay officers, giving them in some instances very large sums of money. The officers on half pay who sold them proceeded to the colonies, and in a great many instances returned immediately.

1333. Thereby evading the condition?—Thereby evading the condition.

1334. What did the officer having so purchased the half-pay commission do in order to get back upon full pay?—He might have been brought back to full pay if he had had any distinguished service by being appointed to fill some vacancy, or else he might have exchanged with an officer, giving him a bonus to take his place.

1335. I believe some alteration was made in that system a few years ago?—Yes.

1336. Will you state what it was?—In the year 1861 a very large sum had accumulated in the reserve fund and the Secretary of State determined to apply it to the reduction of the half-pay list. A circular was accordingly issued calling upon all officers who were fit for service either to serve or sell. The money for the purchase was provided from the reserve fund, but, as this fund was limited, although a general permission to apply to sell was granted, no claims to sell were allowed to be established. At the same time the permission to sell in order to settle in the colonies was withdrawn. Some months subsequently, as it was thought that this somewhat deprived the army of one means of obtaining promotion, a system of selling half-pay promotions to a limited extent was established, the money paid by the purchasing officers being credited to the reserve fund, to be applied to buying up the half-pay commissions of officers who might desire to sell under the circular of 1861, in order to prevent any excess of charge upon the half-pay list.

1337. Was the effect of the regulation before it was as so modified, that the half-pay officer selling did not sell to any officer who was on full pay, but sold in fact to the State?—Yes.

1338. Then did that, in fact, put an end to all private arrangements between full-pay officers and half-pay officers in respect of the purchase of these half-pay commissions?—Entirely.

1339. Did the further modification afterwards made to any extent restore the former state of things or was the selection entirely made by the Commander-in-Chief, still, of the officer who was to sell?—The selection was entirely made by the Commander-in-Chief.

1340. Without any arrangement being possible between an officer on full pay and a half-pay officer?—Without any arrangement whatever. The Commander-in-Chief kept a list of officers who were anxious to purchase half-pay promotion, and from that list he selected those officers who he considered had the best claims. In 1862 with the consent of the Treasury one half-pay lieutenant-colonelcy, two half-pay majorities, and three half-pay companies were given to be sold in this manner.

1341. Was the effect of that to put an end altogether to the possibility of a bargain between an officer on full pay and an officer on half-pay for the sale of the latter's commission?—Quite so.

1342. Therefore since that an officer on half pay selling his commission has been able, I presume, to obtain only the regulation price for it?—He has only been able to obtain the regulation price. I have a Return here showing the effect of the purchase of half-pay commissions under the Circular of 1861, giving for each year the number that have been purchased from the half-pay list at the regulation price. And I have another Return showing the number of unattached promotions that have been given in each year. (*Producing two returns.*)

1343. Will you hand them in?—(*The same were handed in,* App. XI.)

1344. Was the effect of that Circular to diminish the number of sales of half-day commissions or to increase them?—To increase them, certainly, because many officers did not like the condition of settling in the colonies. None would accept it except with the object of realizing something considerable by the sale of their commissions.

1345. Will you put in the Circular from which you just now read an extract?—I will, it is of the date of February 1861. (*The same was handed in,* App. IV.)

The witness withdrew.

LIEUT. JOHN BIDDULPH examined.

Lieut. J. Biddulph.

1346. (*Chairman.*) In what regiment do you hold a commission and in what rank?—I am a lieutenant in the 19th Hussars.

1347. Is that one of the three cavalry regiments which were added to the service on the amalgamation of the East India Company's army with that of the Queen?—Yes.

1348. Is the promotion in those regiments by seniority without purchase?—It is by seniority.

1349. The system of purchase does not apply to those regiments?—No, it does not.

1350. Have you been in the regiment since its formation?—Yes, ever since its formation.

1351. In what year was that?—In 1862.

Lieut. J. Biddulph, 30 May 1870.

1352. Had you before that been in the East India Company's service?—Yes.

1353. In the Bengal Cavalry?—Yes, in the Bengal Cavalry.

1354. In what rank did you join the 19th Hussars?—As lieutenant.

1355. How many lieutenants were above you at that time?—There were six above me, and then about six months after the regiment was formed, an option was given to the officers of reconsidering their vote and reverting to the Company's service, and two of them did so, which made me fifth.

1356. How do you stand now?—I am second now.

1357. Is any pension or allowance given on retirement to officers of those regiments who were formerly in the East India Company's service?—They still can claim pension under the old regulations of the Company from the Indian Government.

1358. After how many years' service?—After 22 years' service.

1359. If an officer retires before he becomes entitled to the East India Company's pension is he entitled by regulation to any allowance in respect of his service?—He is entitled to the same allowance as officers in purchase regiments who have not purchased.

1360. Is that 100*l.* for every year he has served?—Yes, up to the price of his commission.

1361. That is, if he has served more than three years?—Yes.

1362. He receives that by regulation?—Yes.

1363. Therefore every officer retiring from one of those regiments after three years' service, either receives, if he has served 22 years, the pension he would have been entitled to in the East India Company's service, or the same allowance that a non-purchasing officer in a purchase regiment would receive upon retiring?—Yes.

1364. Does the system exist in those regiments of paying any sum to a retiring officer in addition either to the pension or the regulation allowance to which he is entitled?—Yes, it has been customary to give a bonus. The practice has been to form a purse.

1365. Is that system similar to that which prevailed in the East India army before the amalgamation?—Yes.

1366. Will you state what the system is, taking if you can, as an example, any recent instance of a retirement in your regiment?—The senior major in my regiment retired last year, and this was the paper (*producing a paper*) circulated at the time.

1367. After what length of service did he retire?—After 30 years' service.

1368. Then he was entitled to the East India Company's pension?—Yes.

1369. Which he received I suppose?—Yes.

1370. What was the amount of it?—The pension of a major is nearly 300*l.* a year, it is just under that amount.

1371. What did he receive in addition to that from the officers of the regiment, what was the gross sum?—3,500*l.*

1372. How was that sum contributed by the officers in the regiment?—Each officer was called upon to contribute according to the scale which had always been acted upon in former cases of retirement.

1373. Can you inform us what that scale is?—The seniors of grades who actually got promotion by the step paid the largest sums.

1374. Have you got a statement of the sums paid by each officer of the regiment upon that occasion?—Yes, according to what they were called upon to pay.

1375. Will you explain what you mean by "called "upon to pay;" in what way are they called upon to pay?—The scale being formed, each officer was asked whether he was prepared to pay his share, and the amount that was not forthcoming from certain officers, who were not able or willing to pay, had to be made up by the others.

1376. Who calls upon them to state whether they are ready to pay or not?—When an officer wishes to retire it is customary for him to put the matter in the hands of the man most interested in getting the step; a major retiring would put it into the hands of the senior captain, and a captain retiring would put it into the hands of the senior lieutenant.

1377. Will you state in what way the officers are called upon to contribute?—The following is a letter written to me: "Sir,—Lieutenant-Colonel Richardson "having proposed to retire from the service for the "sum of rs. 35,000, I am directed by the Committee "of Management to forward to you the accompanying "scale of payments, and to request you will inform "me if possible by return of post whether you will "join in the purchase and are prepared to lodge the "amount specified against your name at Messrs. Cox "& Co.'s, Craig's Court, London, by the 15th March "next, to be held in deposit and credited to Lieut-"Colonel Richardson on his retirement appearing in "the 'London Gazette.'" It is signed by the senior captain.

1378. Is that a circular addressed to each officer of the regiment?—This was addressed to the officers in the left wing; we were separated at the time from the head-quarters of the regiment. This was written from the head-quarters by the senior captain to each officer in the left wing. A postscript was added: "A "margin has been left to cover defaulters; should "there be none, a refund will be made in proportion "to the scale of payments."

1379. Can you put in this enclosure to that letter, giving the scale which each officer was to pay?—I can: The second major, 800*l.*; the senior captain, 1,000*l.*

1380. The senior captain being the officer who would succeed to the majority?—Yes.

1381. (*Lt.-Gen. Peel.*) What advantage did the second major obtain?—It made him the senior major.

1382. (*Chairman.*) There were two majors at the time on the regiment; the junior major paid 800*l.* and became senior major, is that so?—Yes.

1383. The senior captain who got the majority paid 1,000*l.*?—Yes. The second captain paid 400*l.*, or rather I ought not to say that these sums were paid; I should rather say that that is what they were called upon to pay. The third captain was called upon to pay 150*l.*; the fourth captain 80*l.*; the fifth captain 60*l.*; the sixth captain 40*l.*; the seventh captain 30*l.*; the eighth captain 25*l.*; the senior lieutenant 550*l.*

1384. He got the troop?—Yes. The second lieutenant, 250*l.*; the third, 100*l.*; the fourth, 70*l.* (that was myself); the fifth, 50*l.*; the sixth, 30*l.*; the seventh, 20*l.*; the eighth, 15*l.*; the ninth, 10*l.* Then the cornets paid conjointly 180*l.*

1385. The cornets paid that amongst them?—Yes; but I believe it mostly came from one officer.

1386. Then was the payment of the 180*l.* arranged amongst the cornets themselves without any scale being fixed?—I believe so. The fact is, of late years it has not been possible to carry out this system in its integrity, on account of so many of the cornets refusing to pay because they had only entered the service to go into the Indian staff corps, and consequently it made no difference to them whether they got promotion or not.

1387. What was the effect of that? Was the 3,500*l.* paid to the retiring major?—Yes.

1388. By how many officers was it paid? You said there were some defaulters?—I think there were only four officers who did not pay.

1389. Including the cornets?—Not counting the cornets.

1390. Four officers amongst the captains, and lieutenants did not pay?—Yes.

1391. (*Sir J. Scarlett.*) And every one of those officers had paid something for former promotions, I suppose?—Yes.

1392. Therefore what they paid this time was in addition to what they had previously paid?—Yes.

1393. (*Chairman.*) If an officer is unable or unwilling to pay his share, I understand you to say that the deficiency is made up by the other officers?—Yes,

they make it up in the same proportion as they paid for the original step.

1394. In that case does an officer who has not paid receive on his retirement the same amount as if he had paid his share?—No; the chances are that he would not. We have only been a regiment for eight years, and therefore there have not been many cases of retirement yet.

1395. Does it make any difference in the amount received if an officer has obtained any of his steps without payment by a death vacancy?—No, he would not be considered to be entitled to ask less; he would not claim less; or he might do so, of course, but that would be a gift to the regiment.

1396. Are we to understand that this payment is quite voluntary?—Yes.

1397. In no degree compulsory?—In no degree compulsory.

1398. Is the position of an officer who refuses to pay his share at all affected in the regiment?—No, particularly if it is known that it is from want of means that he refuses.

1399. Has any exchange taken place into your regiment by officers from a purchase regiment?—Yes, there have been four exchanges.

1400. In what rank?—There were two captains and two lieutenants.

1401. Is money paid upon such an exchange to the officer coming from a purchase regiment?—Yes.

1402. Do you know what is paid in the case of the exchange of captains?—The case of one I do not know anything about. I do not think anything was paid in that case. In the other case I believe upwards of 2500*l.* was paid.

1403. (*Sir J. Scarlett.*) That was paid for the exchange from a non-purchase to a purchase regiment?—Yes, from a non-purchase to a purchase regiment.

1404. (*Chairman.*) From your knowledge of the practice in all these regiments, is it the general rule in case of such an exchange that money is paid to the officer who comes in from a purchase regiment?—Yes.

1405. Can you tell me what the payment was in the case of the lieutenants who exchanged?—I believe one lieutenant paid 1000*l.* The other I know paid some money, but what it was I do not know, as both officers were in England when the exchange took place.

1406. Is the scale of these customary payments which you mentioned just now the same in the cavalry as in the infantry regiments?—I do not know what sums are given in the infantry, but the same system prevails.

1407. The same system prevails in the nine infantry regiments which have been added in consequence of the amalgamation of the Indian army with the Queen's army?—Yes, I believe so. I know it does in some of them.

1408. Does it also prevail in the two other cavalry regiments which are not purchase regiments?—Yes.

1409. In the case of death is the whole sum so paid lost to an officer's family?—Yes.

1410. You mentioned the Indian Staff Corps just now. If an officer goes upon the Staff Corps does that make a vacancy in the regiment?—Yes.

1411. Is anything paid to an officer to induce him to compete for the Staff Corps with a view to a vacancy being made by that means?—No sum has ever been paid in my regiment, but money has been paid in some of the other regiments I believe.

1412. To induce an officer to go into the Staff Corps?—To induce an officer to compete for the Staff Corps.

1413. How are these payments made? I think in the letter you read the officers are requested to lodge the money at Messrs. Cox and Co.'s—take the case of the money you paid yourself, 70*l.*—how did you pay that?—I was requested to lodge it by a certain date and I did so.

1414. With Messrs. Cox and Co.?—The officer retiring told me that he wished to have the money in India, and I lodged it for him there; but the bulk of the money was lodged at Messrs. Cox and Co.'s.

1415. In the case of its being lodged at Messrs. Cox and Co.'s, of course there is some direction given as to whom it is to be paid?—It is lodged to the credit of the officer retiring.

1416. Just as is done in the case of a private banker?—Yes.

1417. Does a statement accompany it of the purpose for which it is paid, or is there merely a direction given that it is paid from A. B. to C. D.?—The only direction is that it is to be put to the account of such an officer.

1418. Can you state what is the comparative advantage enjoyed by an officer in any of these regiments and a non-purchasing officer in a purchase regiment as to promotion—in which is the promotion most rapid?—In a purchase regiment.

1419. Does a non-purchasing officer in a purchase regiment obtains his promotion quicker than one of the officers in these non-purchase regiments?—I should say so, judging by results.

1420. (*Sir J. Scarlett.*) How long have you been in the regiment?—Eight years.

1421. Did you join as a lieutenant?—Yes.

1422. You have been eight years rising from the bottom of the lieutenants to your company?—No, I have been eight years rising three steps from fifth to second lieutenant.

1423. What have you paid altogether for promotion in addition to that 70*l.* which you mentioned?—I had paid only for one step before; the senior major retired immediately after the formation of the regiment, just then a troop was reduced all through the service, and the step was absorbed, therefore we paid the money without getting any promotion by it among the subalterns, a captain was promoted to major. That caused the absorption.

1424. What was the sum you paid?—The major who retired received 3,600*l.*

1425. What was your individual share which you paid of that?—I think it was 60*l.* or 65*l.* I cannot recollect just now.

1426. We will take it as having been 60*l.*; you have paid 130*l.* then?—Yes.

1427. And you have got nothing for it as yet?—No, I have got nothing for it as yet.

1428. What will you probably have to pay before you get your troop?—I should consider that I shall have to pay about 800*l.* if I buy both steps.

1429. You will have to pay 800*l.* altogether?—I have two more steps to get; they will cost me about 800*l.*, besides what I have paid already.

1430. (*Chairman.*) Will you state what the average amount is that is paid by a cornet to become a lieutenant, by a lieutenant to become a captain, by a captain to become a major, and by a major to become a lieutenant-colonel in the regiment?—We have existed for so short a time that I could not tell you with any certainty, and particularly as the establishments have been altering a good deal. Now there are only three cornets on the strength of the regiment.

1431. I think you said that you yourself expected to have paid 800*l.* by the time you got your troop?—From being the junior lieutenant up to the time of getting a troop an officer would have to pay about 1100*l.* or 1200*l.*

1432. Do you take into account in that sum any payment that he may have made as a cornet?—No, beginning as junior lieutenant if he purchased each step he would have to pay about 1,100*l.* or 1,200*l.* to get his troop.

1433. (*Sir J. Scarlett.*) As you can get promotion without purchase, yours being a non-purchase regiment, why should you pay anything?—Because it makes officers who are entitled to pension more ready to retire.

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1434. And quickens promotion?—Yes, it quickens promotion.

1435. (*Chairman.*) Have you made any calculation of what an officer would have to pay to obtain his majority, beginning from the bottom of the captains? From 1,500*l.* to 1800*l.* I should say.

1436. And to become a lieutenant-colonel he would have to pay in the same proportion, I presume?—We have not had a lieutenant-colonel retiring, therefore I could not give any sum for that.

1437. (*Sir J. Scarlett.*) Can you give us a general idea of what lieutenant-colonels expend before they get their lieutenant-colonelcy, what is reckoned in the service a fair sum?—We have been such a short time under these new conditions that I could not give it you. I can tell you what they used to get before the Mutiny took place, they used to get about 6,000*l.*, and sometimes 7,000*l.*

1438. Had they spent so much as that in getting it?—No; certainly not, taking death steps into consideration.

1439. (*Chairman.*) What we want to know is, what under the old system an officer would have had to pay to become a lieutenant-colonel?—I could not tell you, for I only joined the service in the middle of the Mutiny.

1440. Did you pay anything for your lieutenancy which you got before you came into the 19th Hussars?—No, I did not. I purchased one step in my old regiment, the Bengal Cavalry; then I was transferred to the 19th Hussars. Therefore the money I paid for that step in the Bengal Cavalry was lost entirely.

1441. You purchased one step?—Yes.

1442. Then you did pay something, although that was not a purchase corps?—Yes, this system existed in the old East India Company's service.

1443. What did you pay?—I only purchased one step; I paid 60*l.*

1444. Do you think that the 3,500*l.* which a major in your regiment lately obtained on retirement represents the amount he himself paid in order to obtain that rank, or did he make any profit by it?—I should say that he made a profit by it.

1445. (*Lt.-Gen. Peel.*) Are the officers in your regiment aware of the nature of the evidence you have given?—Yes, they are quite aware of it.

1446. (*Chairman.*) Were they quite willing that you should give us the information which you have given?—Yes.

1447. (*Lt.-Gen. Peel.*) You say that if an officer retires from one of these non-purchase regiments who has not served the prescribed time to entitle him to the Indian allowance he receives just as much as he would if he were in a purchasing regiment of the British army, an allowance for his services of 100*l.* a year?—Yes.

1448. From what fund does that money come? In a purchasing regiment the officer's commission is sold in order to pay him the 100*l.* a year to which he is entitled for his services, and whatever surplus is obtained goes to the Reserve Fund. Yours not being a purchasing regiment how is the 100*l.* a year procured?—I cannot say; but I can tell you the date of the order under which it was given to us. It was an order dated the 19th of February 1862.

1449. Do you know an instance of any officer having retired and having received 100*l.* a year for his services?—Yes, a lieutenant retired five months ago from my regiment and received 750*l.*

1450. From what source?—From the Indian Government I think, but the order by which we are given this is an order from the Horse Guards signed by Sir James Yorke Scarlett in February 1862.

1451. That is the order I suppose to which you refer (*handing a book to the witness.*)?—It is.

1452. Will you read it?—"With regard to the "addition of 12 non-purchase regiments of the line "to the British army, His Royal Highness the "General Commanding-in-Chief is pleased with the "concurrence of the Right Honorable the Secretaries "of State for War and for India to establish the following regulations. First, in non-purchase corps "of the line, no officers can sell their commissions. "Those who enter from the Indian service retain "their claim to Indian pension, and all others are entitled, with Her Majesty's approval, to retire on full "or half pay, according to the terms of Her Majesty's "warrants of the 14th October 1858 and the 28th "March 1861. Second, an officer joining a purchase "regiment from the Indian Service will be placed on "the same footing in all respects with the rest of the "officers of that regiment. Having forfeited all claim "to Indian pension, he will become entitled to retire "on full pay or half pay under the warrants above "specified. Non-purchase officers of such regiments "have the privilege of receiving, subject to the consent in each case of the General Commanding-in-"Chief and of the Secretary of State for War (which "is liable to be withheld if the retirement results "from misconduct) an allowance on retirement of "100*l.* for each year's service, whether in the British "or Indian army, provided the total amount does not "exceed the price of the commission resigned. By "order of His Royal Highness the General Command-"ing-in-Chief. JAMES YORKE SCARLETT, Adjutant-"General."

1453. (*Chairman.*) Is there anything in that order which excludes the officers of these non-purchase regiments from the benefit of the regulation?—No.

1454. And in practice you know that the allowance is given?—I know one case in which it was given, and it is our belief that we are entitled to the 100*l.* a year.

1455. (*Lt.-Gen. Peel.*) By that order?—By that order.

1456. (*Chairman.*) But you do not know whether it comes from the Indian or the Imperial Government?—No, I do not.

1457. You said that the position of a non-purchase officer in a purchase regiment was, you thought, better, in respect to his chances of promotion, than that of one of the officers in these regiments; is that the case?—It is our opinion and belief, amongst ourselves.

1458. Would a non-purchase officer, for instance, in a purchase regiment, would obtain his company sooner than one of the officers of these regiments?—Yes.

1459. With reference to those exchanges, for which you said that a large sum of money was given, what was the inducement to the officers to come into these non-purchase regiments; was it the payment of the money by the other officer?—They were officers who were serving on, I believe, in order to be enabled to retire upon full pay. I believe in both those cases it was so.

1460. I will take the case of the two captains who you said exchanged from your regiment into a purchase regiment, what was the inducement to the officers from the purchase regiments to come into your regiment? Was the payment of the money the whole inducement?—I believe so.

1461. Do you know the circumstances of those officers at all; had either of them been promoted from the ranks?—One captain and one lieutenant were promoted from the ranks.

1462. Then was the effect of that exchange that an officer who had been promoted from the ranks in a purchase regiment came into one of these non-purchase regiments, receiving, in the one case, 2,500*l.*, and in the other, 1,000?—Yes.

1463. (*Mr. Whitbread.*) Do you know how many years' service each of those officers had before he made this exchange, I mean the officers coming from the purchase regiment into your regiment?—I see by the Army List that one of the captains had about 11 years' service.

1464. (*Chairman.*) You said that there were two captains who exchanged?—Yes; the other captain has since died, and his name is not in the List, therefore I could not tell you how many years' service he had.

1465. (*Mr. Whitbread.*) There were two lieutenants also who exchanged, were there not?—Yes.

1466. What service had they at the time they exchanged?—The one who had risen from the ranks had eight years' service, and the other had also eight years' service; he came from an infantry non-purchase regiment, he did not exchange from a purchase regiment. But looking at the List reminds me that there is another officer who has just exchanged into our regiment from a purchase regiment, he has nine years' service.

1467. (*Chairman.*) In the case of an exchange from one non-purchase regiment to another, is there any money given or received?—Yes; there is a captain in a non-purchase regiment, who is now offering 1,500*l.* to exchange to one of our regiments.

1468. Is that, from infantry to cavalry?—That is, from infantry to cavalry.

1469. (*Mr. Muntz.*) You stated just now that a lieutenant retired and received 750*l.* for the value of his commission?—Yes.

1470. Did he retire under any peculiar circumstances, was it by his own wish that he retired?—He retired by his own wish.

1471. Was that 750*l.* a commutation of the half-pay he was to receive, or does he receive any half pay besides?—No, he does not receive any half pay.

1472. That was the total sum given to him?—Yes.

1473. You said that when an officer made up his part of the purse he lodged the money with Messrs. Cox and Co. to the credit of the officer retiring?—Yes.

1474. Is not that upon the condition that it is to be paid to the credit of the officer retiring when his name appears in the Gazette as having resigned?—The terms are that this is to be held in deposit and credited to him on the retirement appearing in the London Gazette.

1475. Supposing an officer refuses to contribute to this purse, what happens?—Then the sum he was called upon to pay will be made up by the other officers, according to the same scale as each was paying upon before.

1476. What will be his standing in the regiment afterwards; will he be looked upon in the same light as before, or will there be a slur upon him?—I do not think there would be a slur upon him. He would not be able to get so much money on retiring as he otherwise would have got.

1477. (*Mr. Whitbread.*) Will you complete your answer to a former question by stating the length of service of all the officers who exchanged from your regiment into purchase regiments?—One captain exchanging out of our regiment had 15 years' service, and the captain coming in his place had 11. In two cases the lieutenants going out and coming in had each about eight years' service. I think that is all I can give.

1478. Will you take the case of one of the officers who had risen from the ranks in a purchase regiment, and had exchanged into yours? Take a captain for instance, and tell me what was the pecuniary advantage to him of the transaction. Was the captain of 11 years' service whom you mentioned first an officer who had risen from the ranks?—Yes.

1479. In a purchasing regiment?—Yes.

1480. He had received as an inducement to exchange into your regiment a sum of how much?—Upwards of 2,500*l.* I believe that is about the sum. I have never asked the officer point blank, but I spoke to a brother officer just now, and he told me that he believed that was about the sum.

1481. Supposing he had wished to retire when he was in the purchase regiment, what sum could he have obtained?—I was never in a purchase regiment, so I cannot tell that.

1482. He could only have sold his commission with a claim to 100*l.* for every year he had served if abroad, and 50*l.* if at home; 1,100*l.* would have been the maximum which he could possibly have obtained?—Yes.

1483. So that he had a clear gain of 1,400*l.* by that exchange. Then, being in your regiment, can he now retire and claim 100*l.* for each year's service?—Yes, I think so.

1484. (*Lt.-Gen. Peel.*) What were the peculiar circumstances under which an officer of your regiment paid this 2,500*l.* to an officer exchanging with him from a purchase regiment?—The purchase regiment into which he wished to exchange was at home, and our regiment was not expected to come home for another seven years.

1485. (*Mr. Whitbread.*) Were there peculiar circumstances of that nature in the other case which you quoted, where an officer who had risen from the ranks, I think, to be a lieutenant in a purchase regiment exchanged into your regiment?—That also was a regiment that was in England and the officer benefited by giving his money, because he has now got his troop, though the exchange only took place two years ago.

1486. (*Chairman.*) How many lieutenants are there now above the lieutenant who exchanged with him in your regiment?—There are four senior to him.

1487. He would therefore have been fifth lieutenant now if he had remained in your regiment?—Yes. He would have been fifth lieutenant if he had remained in our regiment, whereas he now is a captain in the regiment he exchanged into.

1488. Did he purchase his commission as captain in that regiment?—According to this Army List, he is still gazetted as fourth lieutenant; therefore he must have done so. He has been gazetted to his troop, I know.

1489. You do not know whether he got his commission by purchase or not?—I cannot speak for certain about that, but apparently he must have done so.

1490. You say he must have done so, because it appears from a recent Army List that there are several lieutenants senior to him, whom he must have purchased over?—Yes, he has been gazetted within the last fortnight to his troop.

1491. Is this system looked upon with favour by officers in the non-purchase regiments?—No, but it is the only one by which we can get men to retire.

1492. Is there any desire to put a stop to it, or do the officers agree to its continuance with a view to promotion?—There is no desire to put a stop to it.

1493. Is it the only means by which they can get officers to retire?—Yes, it is the only means of accelerating promotion.

1494. If there was strict seniority promotion without the payment of any money to induce an officer to retire, the promotion would be still slower than it is now?—Yes.

1495. And you consider that it is now much slower even than to a non-purchase officer in a purchase regiment?—Yes.

1496. (*Mr. Whitbread.*) What date was it when the officer gave 2,500*l.* to exchange into a regiment at home?—It was in 1865.

1497. When did the regiment come home?—It has just come home.

1498. I suppose the officer had no notion that the regiment would have come home so soon, or he would not have made that exchange at that price?—It is impossible to say. The officer himself was in England at the time he negociated the exchange. I suppose he did not want to go out again. He only served on for another year and a half or so, and then retired altogether.

1499. Do you think that this system of providing such large bonuses for retiring officers will be maintainable by the regiment now that they are not receiving the Indian pay and allowances?—It is impossible to say. The system is on its trial now. We have always looked forward to the date when we should come home with curiosity to see how it would work, but at present if an officer in any regiment was to offer to retire, I believe he would get the same money.

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1500. Do you think that he would get the same sum here as he would have got in India?—Yes, I think he would; but we have only been two months in England, and therefore we have not been at home long enough to see how it would affect us in that respect.

1501. (*Lt.-Gen. Peel.*) What is the difference between the pay and allowances you received out in India and those you receive in England?—A lieutenant here gets 9*s.* a day, and in India he gets about 450*l.* a year.

1502. Therefore to a man who has risen from the ranks and has no means except his pay, it is an advantage to be in India?—Yes, he would be much better off in India.

1503. (*Sir W. James.*) Does that figure include all allowances?—Yes.

1504. (*Chairman.*) Can a cavalry officer live upon his pay in India?—A captain certainly can.

1505. (*Lt. Gen. Peel.*) Can he in this country?—No.

1506. (*Chairman.*) Then that of itself would be a great inducement to a poor man to exchange into a regiment remaining in India?—Yes.

1507. (*Sir J. Scarlett.*) Are your expenses very much greater in India than they are in England?—Yes, in certain ways they are; we have to keep up a quantity of servants and we do not get any free quarters, we have to pay for them.

1508. (*Chairman.*) Still is not the balance very much in favour of an officer in India as it respects his pay?—Yes, particularly as he gets higher up in the service; I am only speaking with reference to the cavalry regiments, an infantry officer is not nearly so well off.

1509. (*Mr. Whitbread.*) Can you give us the difference of a major's pay at home and in India?—I cannot tell you what it is at home it is about 1,100*l.* a year in India.

1510. (*Sir W. James.*) Is that actually paid in money or does it include any allowances?—It is all paid in money, it covers the allowances.

1511. (*Mr. Whitbread.*) Will you give us the pay of a colonel in India?—The colonel of a cavalry regiment in command in India gets something like 1,800*l.*

1512. (*Chairman.*) Are there two majors in your regiment?—Yes.

1513. Is one to be reduced?—Yes.

1514. Is he now considered as a supernumerary?—Yes.

1515. In the event of a vacancy taking place in one of the majorities, no promotion therefore would go in the regiment, is that the case?—It would be very uncertain whether it would go in the regiment or not.

1516. You do not know exactly in what way the absorption is intended to take place?—No.

1517. No. Supposing on a vacancy occurring in one of the majorities, the promotion did not go in the regiment, I presume the major retiring on half pay, we will say, would receive nothing in that case from the other officers, would he?—He would expect to get money. As long as he was in the way it would always prevent promotion, and as long there is a step to be absorbed, it is our interest to get it absorbed as soon as possible.

1518. Then if he retired on half pay a sum would be made up to him, would it?—It is very hard to say, there has been no former case of that kind. A senior major retired immediately after the formation of the regiment, and then his step was absorbed; a captain was promoted but no lieutenant was promoted to be captain, but we had agreed to give the money before we knew that this would be the case, and therefore it made no difference in the payment.

1519. Will you be good enough to read this order (*handing an order to witness*) with regard to the retirement of officers from non-purchase regiments?—"It has been determined by the Secretary of State for "India in Council, with the concurrence of the Secre- "tary of State for War, and His Royal Highness the "Field Marshal Commanding-in-Chief, that in future "officers of the 12 non-purchase line regiments who "have entered those corps from Her Majesty's Indian "service, and may wish to retire from the army, and "may not be entitled under Indian Regulations to "either full or half pay, shall, subject to the approval "of the Secretary of State for India in Council "and His Royal Highness the Field Marshal Com- "manding-in-Chief, receive on retirement such sums "as officers of the same rank retiring from a purchase "corps would be entitled to under Article 84, part 1, "of the Royal Warrant of 3rd Feruary 1866, or under "whatever corresponding rules may be in force in "Her Majesty's British Service at the time."

1520. Does not it appear from that order that the allowance of 100*l.* a year is limited to officers in those regiments who were formerly in the East India Company's service?—Yes.

1521. Therefore in the case you referred to just now in which a payment has been made to an officer retiring, probably the officer had been in the East India Company's service before?—He had been in the East India Company's service.

1522. Is there any case of the retirement of an officer who had not been in the East India Company's service before, in which he has received that allowance?—No, none.

1523. Is it the general expectation of the regiment that the allowance will be paid to officers on retirement, whether they have been in the East India Company's service or not?—Yes.

1524. But the order does not appear to extend to them?—This order certainly does not.

1525. (*Mr. Muntz.*) Do you know of any other order that does?—I do not know what the order is, but it is my impression that there is one.

1526. (*Lt.-Gen. Peel.*) Do you consider that if a cornet is appointed to a cornetcy without purchase in your regiment, and after serving five or six years, he wished to retire he would receive the same allowance as if he was a non-purchase officer in a purchase regiment?—Yes. I cannot help thinking that there is an order to that effect, though I cannot quote it.

The witness withdrew.

D. Robinson, Esq.
R. Davey, Esq.

DENHAM ROBINSON and ROBERT DAVEY, ESQUIRES, examined.

1527. (*Mr. Whitbread.*) What position do you hold?—We are clerks in the War Office and actuaries.

1528. You have recently been engaged in preparing some returns showing the average service of purchase and non-purchase officers in the infantry of the line, have you not?—We have prepared such returns incidentally in some calculations we have been making in regard to the Artillery for another committee.

1529. Will you tell the Commission what was the average length of service in the several ranks of the officers serving in 1870 and in 1852 who had purchased all their steps and those who had purchased none of their steps?—The officers of 1870 who have purchased all their commissions have on an average obtained the rank of lieutenant in $2\frac{8}{10}$ years, of captain in $8\frac{2}{10}$ years, of major in $17\frac{3}{10}$ years, and of lieutenant-colonel in $22\frac{3}{10}$. Those who have risen without purchase also on an average reached the rank of lieutenant after $2\frac{8}{10}$ years' service, that of captain after $9\frac{8}{10}$, major after $19\frac{1}{10}$, and lieutenant-colonel after $24\frac{9}{10}$. The officers of 1852 had served longer altogether, and those purchasing had a greater advantage over those who did not purchase. The purchasing officer obtained his lieutenancy after $2\frac{9}{10}$ years, his company after $8\frac{8}{10}$ years, his majority after $17\frac{5}{10}$ years, and his lieutenant-colonelcy after $21\frac{4}{10}$ years. The officer who did not purchase only became a lieutenant after $3\frac{4}{10}$ years, captain after $11\frac{3}{10}$ years,

major after 23 $\frac{6}{10}$, and lieutenant-colonel after 30 years. We can hand in two tables showing the average length of service under various combinations.

1530. (*Chairman*) (*producing the same*). Is it not the case that in the first of these tables the period of the last war is included, and in the other there is no period of war included?—Exactly.

1531. Would that account for the difference you have pointed out?—We think so. They are the average length of service at which the officers in the Army List for those years obtained their promotion.

1532. (*Lt.-Gen. Peel.*) The one year is 1870 and the other is 1852?—Yes.

1533. And the average applies to all the promotions which took place in the course of those years respectively?—No, it is taking all the officers of those years.

1534. You took all the lieutenant-colonels in fact?—Yes, and then all the majors, and then a large number of the captains, and so on.

1535. (*Mr. Whitbread.*) Have you any similar return which you can give us relating to the Artillery and Engineers and non-purchase regiments?—Yes. We can give you the service of the senior officer in each rank in the year 1870, and we can give it back to 1850.

1536. Can you give the service of the junior officer in each rank?—No; but it will be very nearly the same as that of the senior of the rank following.

1537. Will you give us that statement both in the Artillery and in the Engineers?—We can give it for the year 1870. In the Artillery the senior colonel has 38 years' service, the senior lieutenant-colonel 28, the senior captain 23, the senior second captain 16, and the senior lieutenant 12.

1538. (*Chairman.*) You speak of the senior lieutenant-colonel, but can you tell when he got his commission as colonel in order that we may see how long it took him to arrive at that position?—The service of the senior officer of the following rank would represent the time the junior of the rank above has taken to get there, or very nearly.

1539. (*Maj.-Gen. Steele.*) Would not Hart's Army List give it you?—Yes.

1540. (*Mr. Whitbread.*) Can you tell us the number of years on the average which it took to reach the rank of lieutenant-colonel?—Averages scarcely come into the Artillery, because they rise by strict seniority.

1541. What was the actual time it took to reach the rank of lieutenant-colonel by the Army List of 1870?—23 years.

1542. What was the time it took to reach the rank of major?—There is no such rank in the Artillery.

1543. Can you give us the time it took to become first captain?—16 years.

1544. (*Chairman.*) The rank of first captain in the Artillery is equal to that of a captain in the Line, is it not?—The rank of second captain also corresponds to a captain in the Line. A first captain in the Artillery, we believe, rather corresponds to a major in the Line.

1545. (*Sir J. Scarlett.*) There are no ensigns in the Artillery?—No, the junior lieutenants are paid as ensigns.

1546. (*Mr. Whitbread.*) Do you think that you could give us in a short time anything which would enable us to compare the length of service which it requires in the Artillery and the Engineers to reach the rank corresponding with those ranks in the Line?—I think the rank of first captain in the Artillery corresponds with the rank of major in the Line, for the Artillery officers hold it at about the same period that the Infantry officers hold the rank of major.

1547. It took 16 years to become a captain in the artillery?—It takes 16 years to become a first captain at the present time.

1548. (*Lt.-Gen. Peel.*) Has not the promotion in the Artillery varied very much in consequence of the augmentations of that corps?—It has been gradually deteriorating ever since the year 1857.

1549. Therefore the average promotion is very much affected by those augmentations?—Undoubtedly; it went down to a very low period indeed.

1550. (*Mr. Whitbread.*) Then it does not appear by your Return that a non-purchasing officer takes very much longer to reach the rank of lieutenant-colonel than a purchasing officer?—But that is entirely dependent upon the proportion between the ranks. The Line proportion and the Artillery proportion are not the same.

1551. I speak now of the Line. It does not appear by the answer you gave just now that a non-purchasing officer in a regiment of the Line takes very much longer to reach the rank of lieutenant-colonel than an officer who purchases every step?—On an average they have only taken 2 $\frac{6}{10}$ years longer; but of course there are many individual instances of much longer service.

1552. (*Chairman.*) Are you speaking now of the table of 1870, or of that of 1852?—Of 1870.

1553. Taking the table for 1852, what is the average?—8 $\frac{6}{10}$ longer.

1554. (*Mr. Whitbread.*) To reach the rank of major by the table of 1870, a non-purchasing officer takes rather less than two years longer than a purchasing officer?—Yes, 1 $\frac{8}{10}$.

1555. And by the table of 1852 he takes nearly six years longer?—6 $\frac{1}{10}$.

1556. (*Chairman.*) Are you now making a comparison between officers who have purchased all their commissions and officers who have purchased none, excluding those who have purchased only some?—I am now making a comparison between those who have purchased all and those who have purchased none.

1557. (*Sir W. James.*) As I understand it, you have now taken all the officers in each grade; that is to say, all the lieutenant-colonels, all the majors, all the captains, and so on?—Yes; all the lieutenant-colonels and majors and a large number of the lower ranks.

1558. I suppose the effect of the last war upon the average period of promotion is gradually diminishing, and that the difference is greater in the case of those who obtained their present grade last year. Take two officers who obtained their grade in the year 1870, the one having purchased, and the other not having purchased, would not the difference between their years of service be much more than that which you have given?—During peace the tendency is to a condition of things in which a purchasing officer will gain more than in a period of war.

1559. Has it not tended in that direction already to a great extent?—No doubt it has.

1560. (*Lt. Gen. Peel.*) The Indian non-purchase regiments have not been long enough in existence to enable you to base any calculation upon them?—We have not worked them out, they are not included in these averages.

1561. (*Mr. Whitbread.*) Will you put in a return showing the average service of the purchase and non-purchase officers of the infantry of the line in 1852 and 1870 respectively?—Yes, and we put in also another return headed "Average service of infantry officers "under various conditions." (*The same were handed in*, App. XII., XIII.)

The witnesses withdrew.

Adjourned to Tuesday the 14th of June at half past one o'clock.

Tuesday, 14th June 1870.

PRESENT:

THE RIGHT HONOURABLE SIR GEORGE GREY, BART., M.P., IN THE CHAIR.

THE RIGHT HON. GEORGE WARD HUNT, M.P.
MAJOR-GENERAL STEELE, C.B.
SAMUEL WHITBREAD, ESQ., M.P.
P. H. MUNTZ, ESQ., M.P.

R. H. KNOX, ESQ., *Secretary.*

C. A. Wood, Esq.

14 June 1870.

CHARLES ALEXANDER WOOD, ESQ., examined.

1562. (*Chairman.*) You are deputy chairman of the Great Western Railway, I believe?—I am.

1563. Have you formerly held various offices under Government?—Yes. I was formerly, as you are aware, connected with the Colonial Department, and I was also one of the Land and Emigration Commissioners, but before that I had been connected with Lord Hardinge. I was Lord Hardinge's private secretary at the War Office from 1828 to 1830. I also was one of his executors and had charge of his military papers. Being very much in his confidence, about the time of his death, I had frequent opportunities of communicating with various persons, on military matters, including the late Lord Herbert.

1564. Have you a son in a cavalry regiment?—I have. He is a captain in the 10th Hussars.

1565. When did he enter the army?—In July 1858. I had an offer of a commission in the 10th Hussars without purchase, and which, fearing the expense, I at first declined. At that time there was a great dearth of cavalry officers, and the Duke of Cambridge was kind enough to offer me the commission, which ultimately I accepted.

1566. Did your son afterwards become first for purchase of a lieutenancy?—In June 1859 he became first for purchase, and he was returned for purchase.

1567. You were prepared to pay for him the regulation price of his commission as lieutenant?—In 1859 when his name was returned for purchase, I was prepared to pay the regulation price on his behalf, but not more.

1568. Did a vacancy occur which he could have obtained by purchase?—A vacancy did occur.

1569. Was any application made to you to pay anything beyond the regulation price for the lieutenancy?—Some communications passed between officers of his regiment and myself, which notified my intention not to pay more than the regulated difference, and my reasons.

1570. Did he then purchase his next step?—He did.

1571. Did you pay anything more than the regulation price for him?—At that time I did not.

1572. Do you know whether he paid anything more than the regulation price, or did he obtain his lieutenancy for the regulation price?—He did not obtain his lieutenancy for the regulation price; it was obtained at a price beyond the regulation, although that fact was unknown to me at the time.

1573. You, in fact, paid nothing more than the regulation price?—Not in September 1859, when my son obtained his lieutenancy, and he was a minor, under age.

1574. He found the means of paying the over-regulation price from some other source?—He did.

1575. Have you also a ward in the cavalry?—I have.

1576. When did he enter the army?—In 1855.

1577. Do you know how he obtained his second commission; that of lieutenant?—By purchase at the regimental price.

1578. By the "regimental price" you mean including over-regulation price?—Yes.

1579. Did you, as one of his guardians, pay that for him?—I did. That was in the year 1857.

1580. Do you know what he paid?—The usual regimental price.

1581. Did he afterwards become first for the purchase of a troop?—He did, whilst serving in India.

1582. What took place on that occasion—did he obtain his troop by purchase in due course?—He became not senior subaltern, but first for purchase in the early part of the year 1860.

1583. And were you applied to as his guardian to supply him with the means of purchasing his troop?—I was.

1584. Did you supply him with those means?—I declined to purchase above regulation.

1585. Were you prepared to pay the regulation price for his troop?—I was.

1586. But you declined to pay any over-regulation price?—Yes, but as he was not then the senior subaltern I did not withdraw his name for purchase.

1587. What was the effect of that refusal on your part?—On two occasions captains were brought in, one from the Military Train and another from an infantry regiment, receiving from the Reserve Fund the difference between the cavalry and infantry prices, namely, 1,245*l.*

1588. Was that after the equalisation of the cavalry and infantry prices?—Yes; that equalisation took place in the autumn of 1859.

1589. Do you mean to say that upon each of those occasions on which an officer was brought in, if your ward had been prepared to pay the over-regulation as well as the regulation price he would have obtained his troop?—He would.

1590. Did he ultimately obtain his troop?—He did in December 1862.

1591. How much time had he lost by not paying the over-regulation price when he might first have obtained his troop?—About two years and a half. He might have had his troop in March 1860.

1592. How did he obtain his troop at the end of the two years?—By purchase.

1593. Did he then pay over-regulation as well as regulation price?—He paid the usual regimental price.

1594. With the concurrence of his guardians, of whom you were one?—Yes, I found the money.

1595. Will you state why you refused in the first instance to pay over-regulation as well as regulation price and afterwards consented to do so and paid it?—On the 28th June 1859 there appeared in the "Times" newspaper the proceedings in the case of the Queen *v.* Marshall, which was a Government prosecution instituted by the military authorities under the 49th George the Third, chapter 126, for trafficking in commissions.

1596. Are you aware of all the facts of that case, I believe you have read the report of it?—Yes, I have the report of that case here.

1597. You are aware that that case had nothing to do with the payment of over-regulation money. Was not it a prosecution of a person who had been guilty of trafficking in commissions and of obtaining money from a gentleman to procure him a first commission?—It was.

1598. But still it was under that Act of Parliament?—Yes.

1599. What effect then had that upon your decision as to paying the over-regulation price for your ward?—The proceedings in this case, as published in the "Times," raised the impression not in my mind only but in that of my father, who had considerable military experience and knowledge of public affairs, having been a long time in Parliament, and having had several sons in the army and paid large sums of

money for their advancement in the service, that the Government intended thenceforth to enforce the law as regarded over-regulation price. It was true that the clause in the Act of Parliament, under which the prosecution was instituted, did not affect payments in excess; but the Government having taken a step to put that statute in force, for another purpose, the opinion which my father had was that it was not safe thenceforth for anyone to pay over-regulation prices; and being then my adviser he insisted upon my taking the course I took in the case of my son, and also was aware of the decision to be taken, in the case of my ward, not to pay more than the regulation price for his troop. My father died in January 1860, and I afterwards wrote officially, on my own responsibilty.

1600. To whom were those official letters addressed?—In the case of my ward, the letter was addressed officially to the War Department, but I had previously had some communication with Mr. Sidney Herbert on the subject.

1601. And in the case of your son, to whom was the letter addressed?—In the case of my son it was a letter addressed only to Messrs. Cox and Co., and written by my father's dictation, but as that letter was not sent, I will not further refer to it.

1602. In the official letter which you wrote on behalf of your ward, did you state the grounds of your refusal to pay more than the regulation price?—Here (*producing some letters*) is the letter and the official answer. It was addressed to Sir Edward Lugard, as Under Secretary to Sir Cornewall Lewis; but perhaps you will allow me to explain the circumstances under which it was written. In the autumn of 1859 I had had a communication with Mr. Sidney Herbert, about his measure for equalising the cavalry and infantry prices, and that conversation which I had with him was followed by a letter from me to him instancing the case of my ward having lost his promotion by an officer being brought in over his head, and this is the answer, if I may be permitted to read it, which I received from him. "49, Belgrave Square, "March 21/60. My dear Mr. Wood. Thanks for "your letter. If my plan succeeds it will, I think, "bring down the prices of commissions to the regu- "lation, and if so would do away with the system of "bargain and extortion which now disfigures the "system and disgusts the public. Among the public "none are more injuriously affected than the parents "and guardians who are the real sufferers. I hope "you may succeed in your stand against an illegal "demand. A few such examples will be most "wholesome. Believe me, your's sincerely, Sidney "Herbert."

1603. What was the plan to which Mr. Sidney Herbert referred in that letter?—His plan was the equalisation of the cavalry and infantry prices, which came out in the autumn (in November, I think) of 1859. In the course of 1860 the Committee on Military Organisation, of which Sir James Graham was the chairman, took into consideration amongst other matters, this question of purchase, and Sir James Graham sought to introduce into the report this paragraph: 64. "With respect to the sale of com- "missions, His Royal Highness the Duke of Cam- "bridge acknowledged that he had no doubt the "regulation price was constantly and largely ex- "ceeded, notwithstanding the strict prohibition of "the law. He said that 'Officially he knew nothing "'of it—if he did that he should instantly take "'notice of it. He thinks it a very objectionable "'practice,' but 'does not see his way out of it, and "'is at a loss to know how to meet it.' He further "said 'that a military authority can only take cogni- "'zance of what comes to him officially, and as such "'I state positively that we are not aware of any "'more money being paid than in the usual way.' "What is 'the usual way?' is the important ques- "tion. Mr. Hammersley, a great army agent, de- "posed before the Commission on Sale and Purchase "that the price in the cavalry was frequently 100 "per cent. above the regulation." Then paragraph 65 is as follows: "Surely the time has arrived when "the law which prohibits such transactions should, "if noxious, be repealed, or should, if salutary, be "enforced."

1604. Was that a paragraph in the draft report submitted by Sir James Graham as the chairman of that Committee, for the adoption of the Committee?—It was so; on the 5th of July 1860 the committee met to consider their report, and on paragraph 64 being read, and the question being put that the paragraph stand part of the report, the Committee divided, Ayes 5, Noes 7, and Mr. Sidney Herbert recorded his vote in the majority. The proposed paragraph 65 was also disagreed to. I did not see that report until some time in the course of 1861. It was ordered by the House of Commons to be printed on the 9th July 1860. I cannot exactly say when I first saw it; but finding that two officers had come in over my ward's head, and that there was a probability of another doing so, for I had reason to know that a third case was then under consideration, as he had been applied to to know whether he would purchase or not, feeling also that there was a desire, as I presumed, on the part of the military authorities, to put an end to this system (though in that I was mistaken), I addressed an official letter to the War Office to learn the policy of Government. The way in which I tested *that* was by stating all the facts in the case of my ward, and by asking that when a captain did exchange from the cavalry to the infantry, for his own convenience, the public money should be withheld. I made no objection to an officer coming in when public money was not paid, but I did object to public money being paid to enable this system to continue. The answer which I received was that Sir Cornewall Lewis did not think that any alteration need take place in the rules of the service.

1605. Will you quote the actual terms of the letter from the War Department?—This is the original letter: "War Office, 27th September 1861. Sir, In "acknowledging the receipt of your letter of the "7th instant, I am directed to acquaint you that "while the Secretary of State for War highly dis- "approves of the payment of sums in excess of the "regulated value of commissions, he is not of opinion "that the recent regulations have in any way either "tended to increase this practice or to injure the "position of the subaltern officer; that the object "in allowing the difference between cavalry and "infantry to be paid from the Reserve Fund, in lieu "of its being paid as formerly by the infantry officer, "is to avoid as far as practicable perpetuating former "cavalry rates; that the recent regulations do not "appear to have increased the number of exchanges, "and that, after careful consideration, Sir George "Lewis has not deemed any departure from the "existing regulations to be necessary." This is signed by Sir Edward Lugard. Upon the receipt of that letter I returned my ward immediately for purchase, and I paid the usual regimental price. In the case of my son, when his turn came, at a later period, July 1867, I also did the same for him, feeling that the policy must have changed, and that there was, as I supposed, no intention on the part of the Government to enforce the law against any one who offended. My letter is perhaps too long to read to the Commission, but I stated the whole case, I suppressed no fact, and I felt that if my application was refused, I should probably not incur any penal consequences if I paid the over-regulation price. Promotion was of course a great object for my son and my ward, and I paid the money accordingly.

1606. Was your refusal, both in the case of your ward and in that of your son, to pay over-regulation price, founded entirely upon your apprehension that the Government were about to enforce the provisions of the Act of 1809 to which you have referred, and not upon any scruple on your own part to conform to the practice becamse it was a violation of the law?—Certainly, the former was solely and entirely the reason.

C. A. Wood, Esq.

14 June 1870.

1607. As soon as that apprehension was removed from your mind you conformed to the general practice and paid the over-regulation price?—Immediately.

1608. How did it happen that when your son, who was first for purchase, declined to pay the over-regulation price, another officer in the regiment had not the option of doing it. Was his name withdrawn from purchase?—It was not.

1609. Therefore the promotion could not go in the regiment because no officer could purchase over him, and an officer was brought in from another regiment to fill the vacancy?—In my son's case no officer was brought in from another regiment. In my ward's case an officer was brought in from the Military Train, and afterwards another officer was brought in from an infantry regiment. On both those occasions 1,245*l.* was paid from the Reserve Fund, and the promotion went, not in the cavalry regiment, but in the Military Train in the one case, and in the infantry regiment in the other.

1610. Was the effect of that that the promotion in the cavalry regiment was stopped for the time?—Yes.

1611. The step was lost to the regiment?—Those two steps were, for the time, lost to the regiment.

1612. What was the feeling produced in the regiment with regard to your ward?—A very uncomfortable feeling was produced; I had letters from various persons about it.

1613. To what effect were the letters; were they remonstrating against the course you had adopted?—Yes; they were from officers' friends at home. The regiment at that time was in India, on active service. My ward got promoted on to the staff and, for a time, was away from the regiment, and therefore he did not feel it.

1614. I presume the officers of the regiment knew that it was your doing, and not your ward's?—Entirely, I avowed it publicly; as long as my father was alive I had the support of his authority.

1615. It was in conformity with his opinion?—It was in conformity with his opinion and his wishes. I felt sure, from his experience, and the fact of his having had so many of my brothers in the army to provide for, that he could not be wrong in what he was directing me to do.

1616. (*Mr. Muntz.*) From the whole of this correspondence was it your impression that the Secretary at War sanctioned the payment of over-regulation money?—I could draw no other inference from the answer to my letter. I set out, in this letter of mine, the whole circumstances. I stated everything. I only asked, that in certain cases to prevent the payment of more than the regulation difference, public money should not be paid. I have the letter here, but it is a very long one.

1617. (*Chairman.*) Will you read that letter?—I will. It is addressed to Major-General Sir Edward Lugard.—"7th September 1861. Sir, I have the "honour to request that you will submit, for the "consideration of Secretary Sir George C. Lewis, "the following statement respecting payments from "the Reserve Fund to officers exchanging from "cavalry to infantry. By the late measure for "equalising the prices of cavalry and infantry commissions, officers, on exchanging from cavalry, may "receive from the public the difference, at former "prices, between cavalry and infantry. The effect "of this arrangement on cavalry prices and promotion may be seen by a case in which I am personally interested and familiar with all the facts. "My ward, Lieut. ———, of the ——— Dragoons, "is now senior subaltern of that regiment, and about "18 months ago, in consequence, as I understood, of "an officer failing to pass his examination, became "first for purchase of a troop in it. Had over-"regulation or the usual regimental price then been "given, my ward, who was serving with credit "in India, might have been a captain about March "1860. But his guardians refused to pay the "requisite or regimental sum, *in excess*, and for that "refusal the following reasons were assigned to his "regiment. [These were reasons which I personally assigned in my correspondence with the officers, the senior lieutenant and his friends, who urged me to pay the over regulation.] "'So long as the "'Act making it penal to give over regulation was "'allowed by the authorities to lie dormant, the "'public might safely treat it as a dead letter. But "'when put in force, as it was last autumn, though "'for another breach of its provisions, and when the "'military secretary declared, that if sums in excess "'of regulation were given, 'it was irregular, and "'the parties took care to conceal it from him' "—(vide report of the case, Reg. *v.* Marshall and "others, Times, 28th June 1859)—'the position of "'any one who respects the law and the Queen's "'Regulations was thenceforth changed. I own, that "'individually I determined to be no party in future "'to a violation of the Act of Parliament. This "'was even before the late announcements. But "'since the commencement of the present session "of Parliament the dearth of cornets has there "'been remarked upon, and the Government has "'equalised the prices of cavalry and infantry. It "'has, moreover, announced an early measure, to be "'framed in conformity with the recommendation of "'the latest Royal Commission on Promotion, namely, "'that beyond majorities no rank will be purchaseable. "'This announcement alone would justify any prudent "'man in refusing to pay a farthing more for rank "'than Government rules allow, even if no scruples "'of law or conscience might affect him. My intention, therefore, is to adhere strictly to the law and "'Queen's Regulations.' These were the reasons "assigned to his regiment in March 1860, when Lieut. "——— became, not senior subaltern, but first for "purchase, for declining to give for his troop anything "beyond regulation. They have, however, as must "be admitted, since been weakened by the postponement of the Commissioners' measure, and the rejection of the 64th and 65th paragraphs of Sir James "Graham's draft Report on Military Organisation. "As regards these excessive prices, Sir James sought "to record, on the authority of the Committee of the "House of Commons, the following opinion. 'Surely "'the time has arrived when the law which prohibits "'such transactions should if noxious be repealed, "'or should, if salutary, be enforced.' (Par. 65, "P. P. 1860, No. 244, p. xxxv.) But his resolution "was negatived on a division, the Secretary of State "voting with the *majority!* On the expediency or "otherwise of these proceedings, I do not express any "opinion, and here merely refer to them because they "have an important bearing on the position which "Lieutenant ———'s guardians had assumed, in "compliance with what they certainly understood "to be the wish of the authorities. But to continue "his case: When the measure in question (namely, "equalising prices) came into operation, there were "in his regiment two captains, B—— and C——, "neither of whom for that rank had made any payment. Captain B—— purchased only his lieutenancy, Captain C—— obtained every commission "without purchase, but both became entitled, by the "new measure, on exchanging, one to the Military "Train, and the other to the — Foot, and did receive "from the Reserve Fund, the difference at former "prices, namely, for the captaincy 1,425*l.* Had these "officers, instead of exchanging under the new regulations, sold out under former rules, promotion then "might have gone in the cavalry, and possibly at "regulation; and there could have been claimed of "the public only 100*l.* for every year of their service. But that sum, it is understood, these officers "may now claim, *in addition*, on retiring, when "promotion will not go in the cavalry; and consequently to the injury of this branch of the service. "To all the subalterns of the Dragoons these exchanges were injurious. They took place, as before "stated, when Lieutenant ——— was not senior "subaltern; but now that he is in that position, if

" he were to insist, as he may, on his right to pur-
" chase at regulation, the effect may be to introduce
" into his regiment more captains from infantry.
" But in consequence of the late decision, requiring
" in Indian regiments the absorption on any death
" vacancy of one captain, if he were now to be wholly
" withdrawn from purchase, his chance of promotion
" would be still further postponed; he therefore is
" retained on the purchase list. I have gone thus
" fully into his case, because it serves to illustrate
" the effect of one provision of the late measure
" which I conceive to be injurious to the public ser-
" vice; I wish, however, to be understood as not ob-
" jecting to cavalry officers being allowed to exchange
" to infantry, or to the cavalry qualifications of those
" by whom the officers in question were replaced.
" My objection is to the employment of public money
" to facilitate such arrangements as above described,
" which, as I contend, have a tendency to keep up
" rather than bring down excessive cavalry prices.
" These prices men of moderate means cannot pay,
" and the authorities have publicly denounced. I,
" therefore, would respectfully suggest that since the
" prices of commissions have been equalised, prin-
" cipally with a view to prevent excessive cavalry
" prices, whenever exchanges from that branch of
" the service are sanctioned, they may be assumed to
" be for the convenience of officers, and on this ac-
" count no payment from any public fund need be
" made. Lieutenant ——'s case will also serve
" to illustrate the position of some subalterns who
" have entered the cavalry in expectation of reduced
" prices. He entered the army before the late
" measure, and the refusal to give for his troop over
" regulation was simply founded on public principle,
" an adherence to which, unfortunately for him, has
" delayed his promotion. If, however, it be desired
" to officer the cavalry by introducing men of mode-
" rate means, but possessing in other respects quali-
" ties to make good cavalry officers, it is obvious that
" there should exist a reasonable prospect of their
" promotion; and that as this class cannot afford
" to purchase it at the present regimental prices,
" unless some change be made many young men
" now entering the cavalry may be greatly disap-
" pointed, and have to remain subalterns indefinitely,
" while there will be introduced over their heads and
" at the public expense, captains from infantry, into
" which branch of the service, if a cavalry *subaltern*
" wishes to exchange, it is understood that for him
" the opportunity rarely occurs. Instead, therefore,
" of applying public money in the way complained of,
" I respectfully submit that any available funds had
" better be applied towards liquidating sums actually
" paid *in excess*, provided they did not exceed the
" amount regimental custom may have established,
" and which in any case would have to be inquired
" into by competent and impartial authority." To that letter I received the answer I have already read to the Committee.

1618. (*Mr. Whitbread.*) Did those letters and remonstrances which you said you received come from the officers of the regiment?—Some came from the officers of the regiment and some from relations of officers. I received several during a period of 18 months or two years.

The witness withdrew.

LEONARD COLEMAN, ESQ., further examined.

1619. (*Chairman.*) When you were examined before you referred to a return put in by General Forster of the number of full-pay commissions in each rank in purchase corps which had been absorbed on reduction during the past five years?—Yes.

1620. Under what circumstances did those absorptions take place; were they in consequence of reductions which had been going on during that period?—Yes.

1621. What was the course adopted in order to effect those reductions. Was it the same as that which is adopted in the present reductions, or did it vary in any degree from that?—In 1866 the reductions were made through each rank, every other sale vacancy being absorbed.

1622. At present we have heard that in the case of the purchase vacancies the promotion goes in the regiment in every case, but that every alternate non-purchase vacancy is absorbed?—Yes.

1623. In 1866 only every alternate purchase vacancy went by promotion in the regiment?—Yes.

1624. Do you know whether the absorptions mentioned in this return represent cases in which officers retired receiving, in consequence of the absorption of their commissions, only the regulation price from the Government instead of receiving the regimental price from the officers who under other circumstances would have succeeded them?—I know nothing about the regimental price.

1625. We will assume the existence of a regimental price for the present purpose?—Officers who retired under those circumstances were paid from the Reserve Fund, of course receiving only what is termed the regulation sum.

1626. Will you be good enough to turn to question 1199 in your former evidence?—Yes.

1627. You were asked there whether you could explain the circumstances under which a lieutenant-colonelcy of the 7th Hussars was absorbed, and also in question 1202 a case was referred to of a lieutenant-colonelcy in the 1st Foot being absorbed. You did not then remember the circumstances; have you looked into those cases since?—I have.

1628. Are you able to state the facts?—In the former case an officer retired upon half pay, and was not succeeded.

1629. He retired upon half pay from the command of a regiment?—Yes, and his commission was absorbed. In the second case an officer retired upon full pay, and was not succeeded.

1630. By regulation those officers would receive nothing at all, would they?—We recognise no money passing at all.

1631. By this return, according to the summary at the end, it appears that the commissions of two lieutenant-colonels, 28 captains, 89 lieutenants, and 180 ensigns have been absorbed with purchase vacancies during those five years?—Yes.

1632. In those cases what was paid to the officers whose commissions were so absorbed, and out of what fund was it paid?—It was paid out of the Reserve Fund; they were paid what is termed the regulation sum.

1633. Then did they receive the regulation price only of their commissions?—I presume so. That is the only matter we know anything of.

1634. No officer succeeded in the regiment to any of those vacancies?—No.

1635. But at present, in the case of purchase vacancies officers succeed as usual?—Yes, as if there were no reduction at all.

1636. But is that a permanent arrangement, or does it depend upon the absorption of the commissions of subalterns in the regiment?—It depends upon whether the subalterns are absorbed. After that will come the question of absorbing the higher ranks.

1637. Then the same course might be resorted to which was resorted to in 1866, namely, of absorbing only every alternate purchase vacancy?—Yes.

1638. If that course were adopted, supposing an officer to wish to retire by the sale of his commission, in every alternate case of that kind he would obtain the regulation price, and the regulation price only, from the Reserve Fund?—Yes.

L. Coleman, Esq.

4 June 1870.

1639. And in case he had paid over-regulation price for his commissions, as there is reason to believe that many officers do, he would necessarily lose that, he could not recover it?—I presume any private arrangement that he may have made would be at his own risk. I know nothing about that.

The witness withdrew.

C. M. Clode, Esq.

CHARLES MATHEW CLODE, ESQ., examined.

1640. (*Chairman.*) Are you solicitor to the War Department?—Yes.

1641. How long have you held that office?—From May 1858.

1642. Are you able to inform us whether within your experience, or before your time by reference to the records of the office, any prosecution has ever been instituted under the Act of the 49th George the Third, chapter 126, against any person either as principal or agent for being concerned in paying more than the regulation price for the purchase of a commission or for an exchange?—If you mean a payment in excess of the regulation, the purchase being one which the regulation sanctioned, my answer is, No. That would be a prosecution under the 8th section of the Act. There has been no such prosecution in my time, and I wrote to Mr. Greenwood, the solicitor to the Treasury, who acted in these matters before the department was separated from the Treasury, and he has made a diligent search through his books from the year 1831, and he can find no trace of any such prosecution.

1643. Are you aware of any prosecution having been instituted under the third and fourth sections of that Act against any person for being concerned, either as principal or agent, in paying money to induce an officer to retire?—Yes; those sections have come under the consideration of the court on several occasions.

1644. I ask whether any prosecution has been instituted, either by the War Department or the Horse Guards, against any person for paying money to an officer to induce him to retire on full or half pay?—No, none.

1645. You referred just now probably to those cases which we have had before us, in which questions have arisen before a court as to the legality of such a transaction in the East India Company's army?—Yes; there has been the case of Graeme *v.* Wroughton, I think, and the case of Eyre *v.* Forbes.

1646. Those cases were not cases of prosecution, but were cases in which persons had sued on bonds given by officers to pay money. Under those circumstances did the court hold the bond to be illegal, because the transaction was illegal under the third and fourth sections of the Act?—Quite so.

1647. That is a totally different thing, is it not, from the prosecution of a person?—Quite different.

1648. No such prosecutions have taken place?—The only prosecution was the Queen *v.* Charretie, which arose upon an East Indian commission. It is reported in the 13th volume of the Queen's Bench Reports. That was in the year 1849, I think; and there was also the case of the Queen *v.* Armstrong, which is unreported, but which arose in the year 1859.

1649. Both those were East India cases, were they not?—No, the last was an army case.

1650. What was the nature of the prosecution?—We prosecuted in that case on several transactions. There were a great many militia commissions sold, but the prosecution mainly rested upon the receipt of money for a commission which had been given to one Cunningham.

1651. A first commission?—Yes, an appointment.

1652. That had no reference, had it, to the payment of over-regulation price?—No, none whatever.

1653. (*Mr. Hunt.*) Have instructions ever been given to you to see whether there were materials for a prosecution in a case where over-regulation price has been suspected to have been given?—None.

1654. You have never been instructed to investigate a case of that kind?—No; I have no recollection whatever of any such case.

1655. (*Chairman.*) Have you prepared a memorandum upon the effect of what is called the Brokerage Act, the 49th George the Third, chapter 126, as bearing upon the sale and purchase of commissions?—I have.

1656. Will you be good enough to put it in?—I will. I believe the memorandum contains all the cases that have ever arisen upon the Act in either aspect of it. (*The same was handed in,* App. XIV.)

The witness withdrew.

Adjourned.

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APPENDIX.

APPENDIX I.

MEMORANDUM showing the RULES and REGULATIONS under which the PRICES of COMMISSIONS in the ARMY have been limited from time to time.

Commissions in the Army have been sold and bought from the earliest period of the existence of a standing Army in England.

The prices originally given appear to have been arbitrary, but the act of sale seems to have been in all cases sanctioned by the Sovereign.

There are in existence clear evidences that all the Sovereigns from Charles II. to George I. objected to the practice, but it doubtless had become so general, and the applications to sell so pressing, that Regulations fixing the prices at which they might be sold were issued in 1719–20.

The prices then fixed, and the various changes which took place up to 1821, are given in Appendix I. to the Report of the Royal Commission of 1857.

The changes which have been made since that date are—

In 1854, the second Lieutenancies in Fusiliers and Rifle Regiments were converted into Ensigncies, and the price of the first Commission reduced from 500*l.* to 450*l.*

In 1856 the purchase of the Field Officers' Commissions in the Foot Guards was abolished, the highest Commission which could be purchased under Regulation being that of Captain and Lieutenant-Colonel, the price of which was maintained at 4,800*l.*

In 1860 it was decided to equalise the prices of the Commissions of the Cavalry of the Line with those of the Infantry of the Line.

The clauses of the Regulations of 1719–20 which limit the prices to be paid are:—

"That whatever officer shall desire leave to sell shall be obliged to resign his Commission at the rates and on the conditions hereafter mentioned; to which end the seller is not to be admitted to interfere, in any manner whatsoever, in the recommendation of his successor."

"Every officer desiring leave to dispose of his Commission shall sign such his request, and that he is content to resign at the price fixed, and lodge the same in the War Office that a successor may be appointed by His Majesty."

In 1766 the prices of the Commissions were altered on the recommendation of a Board of General Officers. The plan adopted by the board in fixing the new prices was, in the first place, to fix "what appeared to them a reasonable "price for the Commissions of Cornet and Ensign in the "respective corps, and which they might probably be sold "for in time of war as well as peace," and then "to esti- "mate every increase of pay after the rate of 100*l.* for "each shilling per diem, in a general view, not attending "minutely to fractional sums; and, in the next place, to "fix a certain proportional value upon each advancement "in rank, such as might, if possible, be extended to all the "different corps."

In making this recommendation the general officers gave their opinion that "if any deficiency should arise, by the "Commissions of Cornet, Ensign, or second Lieutenant not "producing the price allowed by the said estimate, the loss "should be sustained by the officer who obtains leave to "sell."

The warrant of February 1766 promulgating these new prices contained the following clause "that in all cases "where we shall permit any of the Commissions specified "therein to be sold, the sum to be paid for the same shall "not exceed the prices set down in the said Report; and all "Colonels, Agents, or other our Military Officers, are hereby "required and directed to conform strictly and carefully to "the Regulation hereby laid down and established upon "pain of our highest displeasure."

This clause was repeated in the subsequent warrants of July 1772, February 1773.

In 1783 the prices at which Commissions should be sold was again considered, and it was determined to make no change, and in making this fact known to the Army, a general order was issued by the Commander-in-Chief, and the following instructions were added:—

"When an officer is desirous to sell his Commission he is to make application in writing to the Colonel of the regiment he belongs to, or in his absence to the Field Officer commanding the regiment, praying for His Majesty's leave to dispose of his Commission at the regulated price, stating that he thereby means to resign all pretensions to any future rank or promotion in the Army, and solemnly declaring on the word and honour of an officer and a gentleman, that nothing beyond the price limited by His Majesty's Regulations is stipulated or promised, directly or indirectly; and that no other mode of compensation or gratuity is in contemplation of the parties, or shall be given or accepted in respect of such sale or purchase."

This declaration was to be accompanied by another on the part of the Commanding Officer "that he verily believes "the established Regulations with regard to price is in- "tended to be strictly complied with, and that no clandestine "bargain subsists between the parties concerned."

Application in writing was also to be made by the officer desiring to purchase "stating his pretensions accompanied "with a declaration on his part as is herein-before prescribed "with regard to the officer applying for leave to sell; "expressly pledging his word and honour as an officer and "a gentleman that he is not to give, nor will either now, "or at any future time, give by any means, or in any shape "whatever, directly or indirectly, any more than the regu- "lated price.

"And His Majesty has, by the advise of his Board of General Officers, been further pleased to declare his determination, that any officer who shall be found to have given, or to have stipulated or promised, directly or indirectly, to give anything beyond the regulated price, in disobedience of these His Majesty's orders, or by any subterfuge or equivocation to have evaded the same, and to have thereby shamefully forfeited his honour as an officer and a gentleman, shall be dismissed from His Majesty's service."

The forms to be used were,—

"SIR,

"I BEG you will be pleased to obtain for me His Majesty's consent to the sale of my commission of

"In case His Majesty shall be graciously pleased to permit the same, my intention is thereby to resign all rights and pretensions to any future rank or promotion in the Army; and I do further declare and certify upon the word and honour of an officer and a gentleman, that I have not demanded or accepted, neither will I demand or accept, directly or directly, at any time or in any manner whatever, more than the sum of *l.*, being the price limited and fixed by His Majesty's Regulations, as the full value of the said Commission."

"SIR,

"I BEG you will be pleased to obtain for me His Majesty's permission to purchase the —— ——

"In case His Majesty shall be graciously pleased to permit me to purchase the said Commission, I do declare and certify upon the word and honour of an officer and a gentlemen, that I will not either now or at any future time, give by any means, or in any shape whatever, directly or indirectly, any more than the sum of *l.*, being the price limited and fixed by His Majesty's Regulations, as the full value of the said Commission."

In 1786, three years subsequently, a circular letter was issued, in which occurred these passages:—"In future, "when on officer is desirous of retiring from the service, "either by the sale of his Commission, or by exchange to "the half-pay he shall not make any stipulation in regard to "the particular officer who shall succeed him;" and "it "being evident that by leaving their officers to select their "own successors, and by accepting their nominations, the "business of military promotion has in too many instances "been conducted in such a manner as to defeat the pur- "poses of His Majesty's Regulations, notwithstanding

Appendix I.—*continued.*

" every endeavour of office to enforce their due and punctual " observance."

These Regulations remained in force until 1804, when Circulars were again issued, insisting on compliance with the Regulations. One addressed to all Army agents, and one to officers in command of regiments.

Circular to Army Agents.

" SIR, 28th Sept. 1804.

" HIS Royal Highness the Commander-in-Chief having the strongest reason to believe (from the advertisements that have frequently appeared in the public papers) that an extensive correspondence is carried on with the officers of the Army by persons styling themselves Army brokers, to induce them to enter into pecuniary engagements for the purpose of obtaining Commissions, contrary to the established Regulations, and it being the earnest desire of the Commander-in-Chief to check, as much as possible, a practice so extremely prejudicial to the Service; I am commanded to call your attention to this important point, and to impress on you the necessity of the utmost vigilance in preventing, as far as may be in your power, any communication whatever with those persons and the officers in your agency, and to acquaint you that, should it at any time appear that any such Commission shall have been negotiated through your office, the Commander-in-Chief will consider it his duty to recommend to the colonels of the respective regiments, to notice such irregularity by withdrawing their regiments from that agency, and placing them in other hands.

" I have it further in command to desire that you may be pleased to convey to the officers commanding regiments in your agency, the most marked disapprobation of His Royal Highness of this improper and secret traffic; and to assure them that, if subsequent to the date of this letter, any Commission shall be discovered to have been so obtained, such Commission will be immediately cancelled, and the officer be reported to the King as having acted in direct disobedience to the orders of the Commander-in-Chief.

I have the honour to be,

To ———, Esq., Army Agent. Sir, Your obedient servant, J. W. GORDON."

Circular to Commanding Officers.

" SIR, 19th October 1804.

" I HAVE the commands of His Royal Highness the Commander-in-Chief to transmit for your information and guidance, a paper containing directions to be henceforth exactly observed in the purchase and sale of all Commissions, according to His Majesty's Regulations, and which you will please to cause to be enforced in the regiments under you command.

Returns of officers prepared to purchase are to be made out in the accompanying form, and to be transmitted, in the first instance, as soon as possible after the receipt of this letter.

I have the honour to be, &c.,

Officer Commanding the ——— Regiment. J. W. GORDON."

Extracts from Regulations enclosed.

" His Majesty's Regulations, in regard to the sums to be given and received for Commissions in the Army, having, in various instances, been disregarded, to the great prejudice of His Majesty's service, His Royal Highness the Commander-in-Chief is pleased to direct, that when an officer is desirous of retiring from the Service and of having leave to sell his Commission, if his regiment is in Great Britain, he is to send his resignation in the usual manner, through the commanding officer of his regiment to his colonel; who, in transmitting the same to the Commander-in-Chief, may at the same time, if there are purchasers in the corps, recommend in succession the seniors of their respective ranks for purchase, both the colonel and commanding officers certifying that they are satisfied that no more than the sum stipulated by His Majesty's Regulations is given or received.

* * * *

" In causing these orders to be circulated to the Army, the Commander-in-Chief thinks proper to declare that any officer who shall be found to have given, directly or indirectly, anything beyond the regulated price, in disobedience to His Majesty's orders, or to have attempted to evade the Regulations in any manner whatever, will be reported by the Commander-in-Chief to His Majesty, in order that he may be removed from the Service; and it is also to be understood that the prescribed forms of application, for the sale and purchase of Commissions, and the usual certificates annexed thereto, are in all instances to be complied with."

These Regulations were of little avail in checking the payment of over-regulation money, and on proof being obtained of the Regulations having been evaded, the opinion of counsel was taken on the subject, which was to the effect, that there was no redress to be obtained from the parties involved, as there was no law to the contrary, and that it did not amount to a misdemeanor.

This resulted in the introduction into the Mutiny Act of 1807 of the clause forbidding the traffic in Commissions, which was as follows:—

47 Geo. 3. cap. 32. cl. 97.

" And whereas as great inconvenience has arisen to His Majesty's service from persons not authorised agents of regiments, troops, or companies, negotiating for the purchase and sale of Commissions, and much larger sums than are allowed by His Majesty's Regulations are often given and received for Commissions, and great frauds committed, be it therefore enacted, that every person not an authorised agent of any regiment, troop, or company, who shall negotiate or act as agent for or in relation to the purchase or sale of any Commission in His Majesty's Forces, and also every authorised agent as aforesaid, who shall take, accept, or receive any commission or sum of money or reward for negotiating the purchase or sale of any such Commission, or acting as an agent in relation thereto, shall forfeit for every such offence the sum of one hundred pounds, and treble the sum which shall be given or received for or in relation to any such Commission over and above the sum allowed by His Majesty's Regulations."

The celebrated inquiry into trafficking in Commissions followed in 1809, and in that year was passed the Act inflicting a punishment upon all officers of the Army paying sums in excess of the regulated prices on their promotion.

The Act is 49 Geo. 3. cap. 126., and is entitled " An Act for the further Prevention of the Sale and Brokerage of Offices."

It extends the provisions of 5 & 6 Edw. 6. cap. 16. to other offices.

Clauses 7 and 8 deal with the question of Commissions in the Army, and stand thus:—

" 7. Provided always, and be it further enacted, that nothing in this Act contained shall extend or be construed to extend to any purchases, sales, or exchanges of any Commissions or appointments in the Honourable Band of Gentlemen Pensioners, or in His Majesty's Yeoman Guard or in the Marshalsea, and the Court of the King of the Palace of the King at Westminster, or to extend to any purchases, sales, or exchanges of any Commissions in His Majesty's Forces for such prices as shall be regulated and fixed by any regulation made or to be made by His Majesty in that behalf, or to any act or thing done in relation thereto by any agents, provided that such agents shall be agents of regiments authorised by the Commander-in-Chief of His Majesty's Forces, or by Colonels or Commandants of regiments or corps, and shall act therein under such Regulations only as are or shall from time to time be established by His Majesty, and shall not cause or procure or knowingly permit or suffer to be printed or advertised any advertisement or advertisements, proposal or proposals, for any purchase or sale or exchange of any Commission, or any negotiation relating thereto, and shall not receive or take any money, fee, gratuity, or reward, or any promise, agreement, covenant, contract, bond, or assurance, or by any way, means, or device contract or agree to receive or have any money, fee, gratuity, or reward for acting in such behalf.

" 8. Provided also, and be it further enacted, that every officer in His Majesty's Forces who shall take, accept, or receive, or pay, or agree to pay, any larger sum of money, directly or indirectly, than what is allowed by any Regulations made by His Majesty in relation to the purchase, sale, or exchange of Commissions in His Majesty's Forces, or who shall pay or cause to be paid any sum of money to any agent or broker, or other person for negotiating the purchase, or sale, or exchange of any such Commission shall, on being convicted thereof by a general court-martial, forfeit his Commission, and be cashiered; and as an encouragement for the detection of such practices, such Commission so forfeited shall be sold, and half the regulated value (not exceeding five hundred pounds) shall be paid to the informer, and the other half, or the remainder, if more than five hundred pounds, shall go and be applied as His Majesty shall order and direct by any Regulations made from time to time in that behalf; Provided also, that every person who shall sell his Commission in His Majesty's

Appendix I.—*continued.*

Forces, and not continue to hold any such Commission in His Majesty's Forces, and shall upon or in relation to such sale take, accept, or receive, directly or indirectly, any money, fee, gratuity, loan of money, reward, or profit, or any promise, agreement, covenant, contract, bond, or assurance, or shall by any device or means contract or agree to receive or have any money, fee, gratuity, loan of money, reward or profit beyond the regulated price or value of the Commission sold, and also every person who shall wilfully or knowingly aid, abet, or assist such person therein shall be deemed and adjudged guilty of a misdemeanor within the provisions of this Act.

On the passing of this Act a general order was issued to the Army, dated 29th July 1809, reciting in full the above given clauses, with this instruction:—

"It is the Commander-in-Chief's Order that the following extract from an Act of Parliament, dated 20th June 1809, 'for the prevention of the sale and brokerage of offices,' shall be circulated for the information and guidance of the officers of the Army."

In the year 1815, in the second Mutiny Act passed that year, the clause against trafficking in Commissions was considerably strengthened and assimilated to the clause in the Act of 1809, by the insertion of these words:—

"And every person, whether authorised or not, as agent to some regiment, troop, or company, who shall take, accept, or receive any commission, sum of money, or reward for any negotiation relative to the purchase, sale, or exchange of any Commission in His Majesty's Forces, or who shall negotiate or bargain for or receive for his own use, or for the use of any other person or persons, any sum of money or other consideration, above the amount of the price allowed by His Majesty's Regulations for the purchase, sale, or exchange of any such Commission, or any sum of money or other consideration where no price shall be allowed by His Majesty's Regulations, shall for every such offence forfeit the sum of one hundred pounds, and treble the value of such sum of money or other consideration as he shall negotiate, bargain for, or receive above the amount of the price allowed by His Majesty's Regulations for such Commissions, in such cases where any price shall be allowed by His Majesty's Regulations, or treble the value of the sum or other consideration negotiated, bargained for, or taken and received in such cases in which no price shall be allowed by His Majesty's Regulations."

On 1st August 1821, His Majesty George IV. approved the new prices of Commissions, recommended by a Board of General Officers specially assembled to consider the question. The Board was presided over by the Duke of Wellington, and suggested that the price of every Commission in the Army should be raised.

Their reasons were given in their Report as follows:—

"We, the undersigned General Officers, having had a meeting thereupon and it appearing to us upon due investigation that the pay of Officers of certain branches of the Army has been increased since the above-mentioned Regulation of 1766; that the rates of half-pay have in like manner been increased; and that Commissions in the Army are of a higher value than that fixed for them by the aforesaid Regulations; we consider it to be expedient to revise the prices of the several commissions in the Army as fixed by such Regulation of 1766, as well as the difference between full and half pay in the Dragoons and Infantry, with a view of adapting the same to the present circumstances and the general interests of the Service.

"And we do accordingly most humbly offer to Your Majesty the following estimate, wherein the sum proper to be given for each of the Commissions referred to our consideration is, according to the best of our judgment, apportioned: And we are unanimously of opinion that the same, if it shall meet Your Majesty's Royal approbation, should be uniformly observed in the respective corps, whenever Your Majesty shall in your good pleasure permit such Commissions to be sold."

The prices of the Infantry Commissions were altered thus:—

	1766.	1821.
	£	£
Lieutenant-Colonel - -	3,500	4,500
Major - - - -	2,600	3,200
Captain - - - -	1,500	1,800
Lieutenant - - -	550	700
Ensign - - - -	400	450

In the following January 1822, a complete collection of General Regulations and Orders for the Army was issued. They repeated verbatim those of 1804, above quoted, and included the forms of declaration to be made by Officers, and also the citations from the Act of 1809.

On 15th March 1824 a debate on the Mutiny Bill took place in the House of Commons, which was introduced by Mr. Hume. He urged that "there was scarcely one case in "ten in which officers received their Commissions at the "regulated price, though they thus certified that fact. "The Commander of the Forces and the Secretary at War "could not be ignorant of what was done, and ought "therefore to cancel such a useless declaration."

Sir H. Hardinge stated:—"That the regulation was "introduced to prevent the constant traffic in Commis- "sions, by which the Officers of the Army had been most "seriously injured. Under these regulations it was impos- "sible for a junior officer, however rich, to step over the "head of a senior officer, so long as the latter had the "means of putting down the stipulated price for his Com- "mission. It was certainly fitting in altering the system "to take care that the door should not be again opened to "that extensive jobbing which prevailed before the certifi- "cate was introduced."

Lord Palmerston stated:—"That the existing inconve- "niences had been for some time felt, and an attempt had "been made to remedy them by increasing the price of "Commissions. Still, however, in a case in which a num- "ber of officers were exposed to a temptation to which "they ought not to be subject, it was considered desirable "that the declaration should be recalled. Of course when "he said that this recall was under consideration, he should "not be understood to describe any specific measure which "it was intended to adopt." (Hans. Parl. Deb., 2s. v. 10.)

On the 2nd of April following, a memorandum was submitted to the King proposing the abolition of the forms of declaration hitherto required, and eliminating from the regulations all the words calling for them, substituting the following rules:—

That in order to prevent undue traffic in the sale, purchase, and exchange of Commissions, and the payment of prices exceeding the present regulations, the following shall be established and promulgated, under the sanction of His Majesty's authority, to the Army, in substitution of such parts of the existing regulations as it would be necessary to cancel in order to give effect to this arrangement.

That the forms of application for permission to sell a Commission in the Army, for the purchase of promotion, and for permission to exchange, as now prescribed by His Majesty's General Regulations and Orders for the Army, pages 53, 54, and 55, should be abolished.

That the quarterly returns of officers who are desirous of purchasing promotion, either in their own corps or in any other regiment, should continue to be sent in, as at present, according to the form prescribed in page 52 of the said Regulations and Orders, with the addition of the following certificates, signed by the Colonel or Commanding Officer of the regiment.

First. That he has ascertained by reference, through the Regimental Agent to the responsible persons, that in each case there is good and sufficient security that the purchase money will be forthcoming when called for.

Second. That of the individuals so returned as purchasers, A, B, C, &c. are in all respects deserving of promotion and those whom he would not hesitate to recommend, whenever the vacancy shall offer, as fit for the duties of the higher and more responsible Commission.

When the regiment and commanding officer are abroad, the commanding officer to state the security to which reference is made, and the Military Secretary will ascertain through the agents whether that security be good and sufficient, it being understood that if the answer be not at once satisfactory, the individual will be struck out of the list of purchasers.

That this Quarterly Return, so certified, shall be the only communication made on the subject of promotion by purchase, and that when a resignation is sent in, it shall be considered unconditional and irrevocable, and no successor shall be pointed out or recommended. In all cases the individual selected for the purchase, or his sureties, will be called upon to lodge the purchase money with the agents.

If the senior who may have been returned as a purchaser, and whose money shall have been certified to be forthcoming, should decline the purchase when selected for it, or his sureties should decline it for him, he or they will be called upon to state the reason for so declining to the Military Secretary, for the Commander-in-Chief's informa-

Appendix I.—*continued.*

tion, and if the explanation should not be considered satisfactory, his name will be struck out of the future list of purchasers.

The candidate who may be selected from reference to the Quarterly Returns, for the purchase of promotion out of his own corps, will be directed to lodge the purchase money without being acquainted in what regiment he is to obtain the promotion, nor will any application for purchase of promotion which point out the expected vacancy be admitted.

In all cases of exchanges between officers, both on full pay, whether of Cavalry or Infantry, or from Cavalry to Infantry, the recommendations must be signed by the Colonels or commanding officers of the respective regiments, accompanied by a declaration, signed by the individuals and certified by the Colonels or commanding officer, that "they do not intend to sell out or retire upon half pay "after effecting such exchange, but that it is their *bonâ fide* "intention to join and do duty with the corps to which they "exchange immediately. The leave of absence that may "have been granted to either, or both, being cancelled by "such exchange."

That no officer of Cavalry who shall apply for permission to retire on half pay will be permitted to receive the difference between full pay of Cavalry and full pay of Infantry, but his exchange will be viewed as being, to all intents, an exchange to the half pay of his own branch of the Service, receiving the difference between full and half pay, and subject to the restrictions applicable to such exchanges.

That in exchanges to half pay, either with or without the differences, or from Cavalry to Infantry, the application must be general and unconditional, and the officer upon full pay will not be allowed to point out his successor, who will be indiscriminately selected by the Commander-in-Chief without any previous notice to the parties.

It is further most humbly submitted to His Majesty that it shall be declared that in all cases when the Regulations shall appear to the Commander-in-Chief to have been infringed or evaded, the promotion or exchange shall be at once cancelled; and in all cases where proof can be obtained that the provisions of the Act 49 Geo. 3. c. 126, and the 134th Clause of the Mutiny Act have been infringed, the Commander-in-Chief will take measures for giving full effect to the penalties which attach to such offence.

Approved,
2nd April 1824. G.R.

These were forwarded to the Adjutant-General on 5th April by the Military Secretary with a letter to this effect:—

"Sir,

"His Majesty having been graciously pleased to signify his pleasure that the forms of application for the sale, purchase, and exchange of Commissions hitherto prescribed in pages 53, 54, 55, of the General Regulations and Orders of the Army should be abolished, and that certain alterations and additions should be made in the existing Regulations with a view to prevent undue traffic in the sale, purchase, and exchange of Commissions, I am directed by the Commander-in-Chief to submit to you enclosed the Regulations as altered and amended, and to desire that you will circulate the same to the Army with His Majesty's commands that they may be substituted for those contained under the head of 'appointment of persons to Commis-'sions in the Army,' &c., &c., from page 45 to 56.

(Signed) H. Taylor."

The pages 53, 54, 55, alluded to, are those containing the forms of declaration.

In the year 1829 the clause in the Mutiny Act was condensed, the preamble omitted, and made to stand thus,—

And be it enacted "that every person not being an "authorised Army agent, who shall negotiate or act as "agent for or in relation to the purchase, sale, or exchange "of any Commission in His Majesty's Forces, shall forfeit "for every such offence the sum of one hundred pounds; "and every person whether authorised or not as an Army "agent who shall receive any money or reward in respect "of any such purchase, sale, or exchange, or shall negotiate or receive for any purpose whatever any money or "consideration where no price is allowed by His Majesty's "Regulations, or any money or consideration exceeding "the amount so allowed, shall forfeit one hundred pounds, "and treble the value of the consideration where the Commission is not allowed to be sold, or treble the excess of "such consideration beyond the regulated price."

The clause has been inserted in every Mutiny Act passed since 1829 to the present time.

In the year 1837 a new edition of the King's Regulations was issued, and two of the most important of the regulations which were introduced in 1824 were omitted, viz.:—

"The quarterly return so certified is to be the only communication made on the subject of promotion by purchase; and when a resignation is sent in, it will be considered unconditional and irrevocable, and no successor is to be pointed out or recommended."

And, "The candidates who may be selected from reference to the quarterly returns for the purchase of a promotion out of their own corps will be directed to lodge the purchase money, without being acquainted in what regiment they are to obtain the promotion; nor will any application for the purchase of promotion, which points out the expected vacancy, be admitted."

Until the year 1866 the prices of Commissions had been regulated by General Orders issued by the Commander-in-Chief. The compilation of these General Orders issued from time to time is called the King's or Queen's Regulations and Orders for the Army; they chiefly relate to discipline and the internal economy of the service.

The financial rules and regulations of the Army were contained in Royal Warrants, promulgated by the Secretary at War, or the Secretary of State. A complete codification of these, so far as they governed pay and promotion, was issued in 1866, and the prices of Commissions were for the first time included in the Pay Warrant, and were no longer regulated by the Queen's Regulations.

The new edition of the Queen's Regulations was issued in 1868, Art. 137 of which thus refers to this change:—

"The Royal Warrant for the pay, promotion, &c. of the Army contains the general Regulations regarding the purchase and sale of military Commissions, and the rules by which the appointment, promotion, exchange, and retirement of officers are governed."

In transferring the regulations which fixed the prices of Commissions from the Queen's Regulations to the Royal Warrant, the quotations from the Act of 1809 were dropped, and special attention was no longer drawn to the stringent provisions of that Act against the payment of over-regulation prices.

APPENDIX II.

General Order of August 1783, containing Regulations for Purchase and Sale of Commissions.

Orders.

Head Quarters, 14th August 1783.

His Majesty having referred to his board of general officers to consider whether any alteration should be made in the prices of commissions as fixed by His Majesty's Regulations; and also of the most proper means to confirm and make effectual His Majesty's former directions on that subject; and the report and opinion of the said board having been approved by the King; the Commander-in-Chief has, in consequence thereof, received His Majesty's orders to signify his royal pleasure to the several colonels of regiments, that the following regulations relative to the buying and selling, or exchanging of commissions, be for the future strictly and invariably adhered to throughout every corps in His Majesty's service, the troops of Horse Guards and Horse Grenadier Guards, and the royal regiment of Horse Guards excepted.

The prices of commissions are to remain the same, as apportioned and fixed by His Majesty's former regulations.

When an officer is desirous to sell his commission he is to make application in writing to the colonel of the regiment he belongs to, or, in his absence, to the field officer commanding the regiment, praying for His Majesty's leave to dispose of his commission at the regulated price, stating that he thereby means to resign all pretensions to any future rank or promotion in the army, and solemnly declaring, on the word and honour of an officer and a gentleman that nothing beyond the price limited by His Majesty's regulation is stipulated or promised, directly or indirectly, and that no other mode of compensation or gratuity is in

Appendix II.—*continued.*

contemplation of the parties, or shall be given or accepted in respect of such sale or purchase. This application is to be transmitted by the colonel, if in Great Britain, or else by the commanding officer of the regiment, to the adjutant general, when His Majesty shall think fit to entrust to any officer the command in chief of his forces; otherwise to the Secretary at War, accompanied with a declaration from the said colonel or commanding officer of the regiment, that he verily believes the established regulation with regard to price is intended to be strictly complied with, and that no clandestine bargain subsists between the parties concerned.

The same mode is to be observed in all cases of exchange from half-pay to full-pay, as well as of exchange from one corps to another.

The colonel or commanding officer is at the same time to transmit the names of such officers in the regiment as are willing to purchase in succession, and as he shall recommend for that purpose.

But when the Officers recommended are not the eldest in their rank, he must signify his reasons why the senior officers are not recommended.

Application in writing must also be made by the officer who desires to purchase, stating his pretensions, accompanied with the like declaration on his part as is hereinbefore prescribed with regard to the officer applying for leave to sell, expressly pledging his word and honour as an officer and a gentleman, that he is not to give, nor will, either now or at any future time, give, by any means, or in any shape whatever, directly or indirectly, any more than the regulated price.

And His Majesty has, by the advice of his board of general officers, been further pleased to declare his determination that any officer who shall be found to have given, or to have stipulated or promised, directly or indirectly, to give anything beyond the regulated price, in disobedience to these His Majesty's orders, or by any subterfuge or equivocation to have evaded the same, and to have thereby shamefully forfeited his honour as an officer and a gentleman, shall be dismissed from His Majesty's service.

The above orders are to be regularly entered in the orderly book of each regiment, together with the particular forms hereunto annexed, which are to be made use of by all officers who may hereafter have occasion to apply to their respective commanding officers in any of the cases referred to therein.

By order of the
COMMANDER-IN-CHIEF.

FORM to be made use of by officers when they apply to their respective commanding officers for leave to sell their commissions.

SIR,

I BEG you will be pleased to obtain for me His Majesty's consent to the sale of my commission of

[Here he is to specify the commission intended to be disposed of, adding, in case he may have purchased it, the following words, "which I purchased;" and if not, such other reasons as he may have to offer as grounds of his pretensions to that indulgence. After having fully stated these, he is to add as follows, viz.]

In case His Majesty shall be graciously pleased to permit the same, my intention is thereby to resign all right and pretension to any future rank or promotion in the army; and I do further declare and certify upon the word and honour of an officer and a gentleman that I have not demanded or accepted, neither will I demand or accept directly or indirectly, at any time, or in any manner whatever, more than the sum of £

being the price limited and fixed by His Majesty's Regulation, as the full value of the said commission.

FORM to be made use of by officers when they apply to their respective commanding officers for leave to purchase commissions.

SIR,

I BEG you will be pleased to obtain for me His Majesty's permission to purchase the

[Here he is to specify the commission he is desirous of purchasing, also the particular grounds on which he founds his application, after having stated which he is to add as follow, viz.]

In case His Majesty shall be graciously pleased to permit me to purchase the said commission, I do declare and certify, upon the word and honour of an officer and a gentleman, that I will not, either now or at any future time, give by any means, or in any shape whatever, directly or indirectly, any more than the sum of £

being the price limited and fixed by His Majesty's Regulation, as the full value of the said commission.

FORM to be made use of by officers when they apply to their respective commanding officers for leave to exchange their commissions with officers on half-pay.

SIR,

I BEG you will be pleased to obtain for me His Majesty's permission to exchange with

[Here he is to mention the officer's name and rank with whom he is desirous of exchanging (who must of course be of the same rank with himself), and the number or name of the reduced corps to which he belongs, assigning, at the same time, his reasons for making the application for such exchange, &c., after which he will add as follows, viz.]

In case His Majesty shall be graciously pleased to permit me to make the said exchange, my intention is thereby to resign all right and title to any future promotion or provision in the army; and I do further declare and certify, upon the word and honour of an officer and a gentleman, that I will not, either now or at any future time, demand or accept, by any means, or in any shape whatever, directly or indirectly, any more than the sum of £

being the difference between the value of my commission and that of the said half-pay, as the same is limited and fixed by His Majesty's Regulation.

N.B.—In a case where an officer means to go from full to half-pay without taking any difference, the same is to be expressly stated in his letter of application to the commanding officer for leave to make such exchange, in consideration of which he will not forfeit his pretensions in the army, but may apply upon any proper occasion afterwards to be reinstated in it.

The above application is to be accompanied with one drawn up in the same form (*mutatis mutandis*) by the half-pay officer with whom the exchange is proposed to be made.

By order of the
COMMANDER-IN-CHIEF.

No. 6.—PRICES of COMMISSIONS, as apportioned and fixed by His Majesty's Regulations.

War Office, 14th of August 1783.

		Full Price of Commissions.	Difference in Value between the several Commissions in succession.	Half-pay at 10 Years' Purchase.	Difference in Value between Half-pay and Full Pay.
		£ s. d.	£ s. d.	£ s. d.	£ s. d.
Hussars	Lieutenant-Colonel	5,200 0 0	950 0 0	—	—
	Major	4,250 0 0	1,150 0 0	—	—
	Captain	3,100 0 0	650 0 0	—	—
	Captain-Lieutenant, with rank of Captain	2,450 0 0	700 0 0	—	—
	Lieutenant	1,750 0 0	150 0 0	—	—
	Cornet	1,600 0 0	1,600 0 0	—	—
Dragoon Regiments.	Lieutenant-Colonel	5,350 0 0	1,100 0 0	1,825 0 0	352 5 0
	Major	4,250 0 0	1,100 0 0	1,460 0 0	2,790 0 0
	Captain	3,150 0 0	1,050 0 0	1,003 15 0	2,146 5 0
	Captain-Lieutenant, with rank of Captain	2,100 0 0	735 0 0	547 10 0	1,552 10 0
	Lieutenant	1,365 0 0	262 10 0	547 10 0	817 10 0
	Cornet	1,102 10 0	1,102 10 0	456 5 0	646 5 0

Appendix II.—*continued.*

Prices of Commissions, as apportioned and fixed by His Majesty's Regulations—*cont.*

		Full Price of Commissions.	Difference in Value between the several Commissions in succession.	Half-pay at 10 Years' Purchase.	Difference in Value between Half-pay and Full-pay.
Foot Guards	Lieutenant-Colonel	6,700 0 0	400 0 0	—	—
	First Major	6,300 0 0	2,800 0 0	—	—
	Second Major				
	Third Major				
	Captain, with rank of Lieutenant-Colonel	3,500 0 0	900 0 0	—	—
	Captain-Lieutenant, with ditto	2,600 0 0	1,100 0 0	—	—
	Lieutenant, with rank of Captain	1,500 0 0	600 0 0	—	—
	Ensign	900 0 0	900 0 0	—	—
Marching Regiment of Foot	Lieutenant-Colonel	3,500 0 0	900 0 0	1,551 5 0	1,948 10 0
	Major	2,600 0 0	1,100 0 0	1,368 15 0	1,231 5 0
				Half-pay at 9 Years' Purchase.	
	Captain	1,500 0 0	550 0 0	821 5 0	678 15 0
	Captain-Lieutenant, with rank of Captain	950 0 0	400 0 0	383 5 0	566 15 0
	Lieutenant	550 0 0	150 0 0	383 5 0	166 15 0
	Ensign	400 0 0	400 0 0	301 2 6	98 17 6
	In the Regiment of Fusiliers, which have 1st and 2nd Lieutenants — 1st Lieut.	550 0 0	100 0 0	383 5 0	166 15 0
	In the Regiment of Fusiliers, which have 1st and 2nd Lieutenants — 2nd Lieut.	450 0 0	450 0 0	301 2 6	148 17 6

By His Majesty's Command,
RICHARD FITZPATRICK.

APPENDIX III.

CLAUSES OF THE WARRANT OF FEBRUARY 1866, REGULATING PAY AND PROMOTION.

PART 1.—PAY AND PROMOTION.—DIVISION I.—OFFICERS.

SECTION I.—APPOINTMENT, PROMOTION, AND RETIREMENT OF COMBATANT OFFICERS.

I.—General Officers.
II.—Field Officers.
III.—Captains.
IV.—Regimental Promotion.
V.—Rank on Retirement.
VI.—Promotion on the Half-Pay List.

I.—GENERAL OFFICERS.

Separate lists of officers.

1. The names of General Officers shall be borne upon two separate lists. The first shall contain the names of those on the establishment; and, *in italics*, the names of those who, having been promoted specially, are supernumerary to the establishment. The second shall contain the names of those who remain on the half-pay of their last regimental Commission.

Establishment.

Establishment of General Officers.

2. The establishment of General Officers shall be as follows for the four branches of our Service, which shall be kept distinct for the purposes of promotion:—

Ranks.	Branches. 1. Guards and Line.	2. Artillery.	3. Engineers.	4. Marines.	Total by Ranks.
Generals	52	6	3	2	63
Lieutenant-Generals	84	10	5	3	102
Major-Generals	136	16	8	5	165
Total by Branches	272*	32†	16‡	10	330

* To be hereafter increased from the Indian Staff Corps.
† To be hereafter increased from the Royal (late Indian) Artillery.
‡ To be hereafter increased from the Royal (late Indian) Engineers.

Field Marshal.

3. The rank of Field Marshal shall be conferred without reference to seniority.

Promotion of General Officers.

4. Promotion on the establishment from the rank of Lieutenant-General to that of General, and from the rank of Major-General to that of Lieutenant-General, shall be made, as vacanies occur in the respective branches, according to seniority.

Promotion to the establishment.

5. Every vacancy on the establishment of General Officers shall be filled by the promotion of the senior qualified Colonel of the same branch of the Service, or by the transfer of a General Officer of the same branch from the Supernumerary List, as provided in Article 12.

Colonel's qualification for promotion.

6. A colonel shall be qualified for promotion to a vacancy on the establishment of Major-Generals after—

a. Actual service for five years as a Regimental Field Officer, or as mounted officer of the Foot Guards.

b. Actual service on the Staff for five years as a substantive Field Officer in one or more of the following appointments:—

Deputy Adjutant-General.
Deputy Quartermaster-General.
Military Secretary of the Viceroy of India.
Inspector-General of Militia.
Inspector-General of Volunteers.

Appendix III.—*continued.*

Assistant Adjutant-General.
Assistant Quartermaster-General.
Military Secretary, or Assistant Military Secretary, where there shall be no Military Secretary, to a General Officer exercising supreme command on a station, or to a Plenipotentiary abroad.
Deputy Director of Works.
Superintendent of the Barrack Department.
Deputy Inspector of Volunteers.
Commissioner to the Head-quarters of an allied army.
Military Attaché to a Foreign Embassy.
Member of the Council of Military Education.
Commandant of the Cadets' College, Sandhurst.
Commandant of the Staff College, Sandhurst.
Major and Superintendent of Studies at the Cadets' College, Sandhurst.
Deputy Assistant Adjutant-General.
Deputy Assistant Quartermaster-General.
Major of Brigade.
Member of the Ordnance Select Committee.
Assistant Inspector of Volunteers.
Inspector of Clothing.
Military Superintendent of a Manufacturing Department.

Or in such other like appointment as shall from time to time be specially approved by Our Secretary of State for War and Commander-in-Chief.

c. Service for eight years, with rank not below that of Lieutenant-Colonel, and the substantive rank of Field Officer, as Equerry to the Sovereign.

d. Uninterrupted service, either regimental or on the Staff, from the date of promotion to the rank of Field Officer by brevet for service in the field, to the date of succession to the rank of Major-General.

Promotion without qualifying service.

e. Service, as specified in paragraphs *a*, *b*, or *c*, with the rank of Regimental Field Officer or, as mentioned in paragraph *d*; if the Officer be obliged to go on half-pay before having completed the qualifying period on account of reduction or of ill health contracted in and by Our service (as certified by a Medical Board), or on account of wounds received in action.

When Staff service shall count.

7. An Officer's Staff service shall reckon towards the qualifying period for the establishment from the date of his Commission to the Staff, or, if not commissioned, from the date of assuming duty at home, or of embarking for a staff appointment abroad, and until the date of disembarkation, if he shall return home without delay. Acting Staff Service shall not reckon unless the appointment shall be subsequently confirmed.

Colonels disqualified.

8. An officer shall not succeed to a vacancy on the establishment of Major-Generals who shall be on half-pay and shall have received the difference in value between a half-pay and a full-pay Commission without having previously paid it; or who shall have gone on half-pay at his own request in time of war before completing an aggregate full-pay service of thirty years, of which period five years shall have been with the rank of Regimental Field officer.

Supernumeraries.

By temporary commissions.

9. Temporary Commissions, as General, Lieutenant-General, or Major-General, may, for the convenience of Our service, be conferred, without regard to seniority, on Lieutenant-Generals, Major-Generals, and Colonels respectively; and if the Officer during the continuance of such temporary command shall have conducted himself to Our satisfaction, the rank so held may, upon the recommendation of Our Commander-in-Chief, be converted into permanent rank, after having been held for five years in time of peace, or for any shorter in the field during war.

Rank of Temporary Major-Generals *inter se.*

10. Colonels appointed to act temporarily as Major-Generals shall take rank among themselves, while so temporarily acting, according to the dates of their Commissions as Colonels. They shall rank as junior to all permanent Major-Generals, but as senior to all Brigadier-Generals.

By distinguished service in the field.

11. Promotion may be conferred upon a Lieutenant-General, Major-General, or Colonel, without regard to seniority, for distinguished service in the field; in such case the recommendation of Our Commander-in-Chief, detailing the services for which the Officer is promoted, shall be published in the General Orders of the Army and in the "London Gazette."

Not to form part of establishment.

12. An officer not below the rank of Colonel, promoted after temporary service in a higher rank or for distinguished services in the field, shall be placed on the Supernumerary List, and shall not be placed on the establishment in his new rank until the time when he would have attained such rank by seniority; that is to say, so soon as the qualified surviving Officer who stood next senior on the list to the officer promoted under Article 9 or 11 shall have attained the same rank on the establishment, the next vacancy shall be filled by the transfer of the supernumerary General Officer to the establishment.

Transfer to establishment.

Seniority on absorption into establishment.

13. A supernumerary General Officer absorbed under Article 12 into the establishment shall have seniority according to the date of his permanent rank as Major-General, and shall rise to be Lieutenant-General and General, whether before or after his absorption into the establishment in accordance with that seniority.

On the Half-pay of former Commissions.

Promotion of Colonels not qualified for fixed establishment.

14. When a vacancy on the establishment of General Officers shall cause the promotion of a Colonel qualified for such promotion, under Article 6, or the transfer of a supernumerary Major-General to the establishment, under Article 12, every Colonel of the same branch who shall be senior to the Officer so promoted or transferred, but who shall not be qualified, in the terms laid down in Article 6, for promotion to the establishment of General Officers, shall be promoted to the rank of Major-General, but shall continue to receive only the half-pay of his last regimental Commission, unless he shall desire, with the approval of Our Secretary of State for War, to remain on the list of Colonels, and shall not be holding a qualifying appointment.

Quondam temporary Major-Generals.

15. A Colonel who shall vacate an appointment as temporary Major-General (under Article 9), and whose temporary rank shall not have been made permanent, may, with the approval of Our Commander-in-Chief, be made an honorary Major-General, and shall retain that rank until he succeed (if qualified under Article 6) to the establishment in virtue of his seniority on the list of Colonels.

Promotion to Lieutenant-General and General.

16. A Major-General on the half-pay of a former Commission shall be promoted to be Lieutenant-General, and similarly a Lieutenant-General to be General, when the surviving Officer on the establishment who was next junior on the list of Colonels shall obtain such promotion.

Brigadier-General.

Brigadier-General.

17. The rank of Brigadier-General shall be conferred as local or temporary rank only.

18. Colonels appointed to act temporarily as Brigadier-Generals shall take rank among themselves, while so temporarily acting, according to the dates of their commissions as Colonels.

Amalgamation of British and Indian Establishments.

List A. General Officers.

19. There shall be a List (A.) of Indian General Officers, to which all Indian Officers shall be promoted from the present Indian List, until all who were Colonels in the Indian Royal Artillery or Engineers, or Lieutenant-Colonels in Our Indian Staff Corps, before the 18th February 1861 shall have succeeded to the rank of Major-General according to Indian regulations. Major-Generals shall rise on this list until transferred under Articles 24 or 27.

Lists B., C., D., Colonels &c.

20. There shall also be three other lists as follows:—

(B.) A list of all Colonels of British Cavalry, Guards and Line, and of these Colonels of Indian Staff Corps who had not attained the rank of Lieutenant-Colonel before the 18th February 1861.

(C.) A list of Colonels and Officers of lower rank of Royal Indian Artillery, promoted on or after 18th February 1861.

(D.) A list of Colonels and Officers of lower rank of Royal Indian Engineers, promoted on or after 18th February 1861.

Lists E. and F.

21. From (B.) promotion shall be made direct to the British Establishment.

From (C.) promotion shall be made intermediately to a List (E.) of General Officers of Indian Artillery.

From (D.) promotion shall be made intermediately to a List (F.) of General Officers of Indian Engineers.

Promotion to British Establishment.

22. When the junior Officer on Lists (C.) and (D.) respectively shall have been promoted to Lists (E.) and (F.), promotion shall thenceforward be made to the British Establishment, the Officers on such lists being incorporated with it.

Further increase of British Establishment.

23. When a vacancy shall occur on List (A.), to which a Colonel of the Staff Corps on List (B.) would have succeeded had promotion to List (A.) been continued, an addition of one shall be made to the first branch of the British Establishment, by the promotion to it of the senior qualified Colonel of that branch on List (B.), whether he

Appendix III—*continued.*

be a British Officer or an Officer brought in from the Staff Corps. This shall continue until the number of General Officers added to the British Establishment, including the first transfer, shall be one for every twenty-eight Combatant Officers in the three Staff Corps.

Transfer of General Officers of Staff Corps to British Establishment.

24. On the first such addition being made under Article 23, the General Officers of the Staff Corps on List (A.) shall be transferred to the British Establishment, which shall be increased by the same number as the Indian Establishment will be diminished by such transfer.

Extinction of List A.

25. Promotion into List (A.) shall, after the transfer provided for in Article 24, be limited to Officers of Cavalry and Infantry of Our late Indian Army, who shall not have joined Our Indian Staff Corps.

Maintenance of proportions after amalgamation.

26. As the number of General Officers on the first branch of the British Establishment increases, under the operation of Art. 23, the establishment of Generals, Lieutenant Generals, and Major-Generals shall be from time to time so adjusted as to maintain as nearly as may be the proportions now existing in the British service; but any reductions that may be requisite shall be made only by gradual absorption of every third vacancy amongst supernumeraries in the higher grades.

Intermediate Establishments of Indian Artillery and Engineers.

27. The establishments of Lists (E.) and (F.) shall be as follows:

	Artillery (E.)	Engineers (F.)
Generals - - -	5	2
Lieutenant-Generals - -	8	4
Major-Generals - - -	13	6
Total - -	26	12

If on the formation of Lists (E.) and (F.) a greater number of Officers shall be transferred from the present Indian List (A.) than the above Establishment, the supernumeraries shall be reduced by the absorption of every third vacancy; but if only a smaller number than the Establishment shall be transferred, then the deficiency shall be made up by the promotion of the senior qualified Colonel in the Royal (Indian) Artillery or Royal (Indian) Engineers, as the case may be.

New Establishment for Artillery and Engineers.

28. Upon the incorporation of Lists (E.) and (F.) with the British Establishment, the number of General Officers of Royal Artillery shall be fixed at 58, and of Royal Engineers at 28, and promotion shall thenceforward be regulated by Art. 5.

	Royal Artillery.	Royal Engineers.
Generals - - -	11	5
Lieutenant-Generals - -	18	9
Major-Generals - - -	29	14
Total - -	58	28

II.—Field Officers.

Colonels.

Promotion to Colonel.

29. A Lieutenant-Colonel may attain the rank of Colonel—

a. By regimental succession in Our Artillery, Engineers, or Marines.

b. By brevet on appointment to be one of Our Aides-de-Camp.

c. By brevet as a reward for distinguished service in the field.

d. By brevet after serving five years upon full pay with the substantive rank of Lieutenant-Colonel, or five years as a Major and Lieutenant-Colonel, or as Major in the Household Cavalry; or as a Mounted Officer of the Foot Guards.

e. By brevet after five years' satisfactory service as substantive Field Officer (with the rank of Lieutenant-Colonel) as—

Deputy Adjutant-General.
Deputy Quartermaster General.
Military Secretary to the Viceroy of India.
Inspector-General of Militia.
Inspector-General of Volunteers.
Assistant-Adjutant General.
Assistant Quartermaster General.
Military Secretary (or Assistant Military Secretary where there shall be no Military Secretary) to a General Officer exercising supreme command on a station, or to a Plenipotentiary abroad.
Deputy Director of Works.
Superintendent of the Barrack Department.
Deputy Inspector of Volunteers.
Commissioner to the Head-Quarters of an allied Army.
Military Attaché to a Foreign Embassy.
Member of the Council of Military Education.
Commandant of the Cadets' College, Sandhurst.
Commandant of the Staff College, Sandhurst.
Major and Superintendent of Studies at the Cadets' College, Sandhurst.
Deputy Assistant Adjutant-General.
Deputy Assistant Quartermaster-General.
Major of Brigade.
Member of the Ordnance Select Committee.
Assistant Inspector of Volunteers.
Inspector of Clothing.
Military Superintendent of a Manufacturing Department.

Or in such other like appointment as shall from time to time be specially approved by Our Secretary of State for War and our Commander in Chief.

f. By brevet after five years' command of a Depôt Battalion as Major (with brevet rank as Lieutenant-Colonel).

g. By brevet after eight years' satisfactory service, as a substantive Field Officer, with the rank of Lieutenant-Colonel, as Equerry to the Sovereign, or in a Civil situation under Government approved by Our Secretary of State for War and Commander-in-Chief.

h. By brevet after eight years' full pay service, with the brevet rank of Lieutenant-Colonel conferred for distinguished service in the field.

Major in temporary command of a battalion.

30. A Regimental Major, with the brevet rank of Lieutenant-Colonel, who shall fall into temporary command of a Regiment, Battalion, or Depôt Battalion, in the absence of the Lieutenant-Colonel, for a period exceeding one month, shall reckon such period as part of the five years required to qualify for the rank of Colonel.

Major commanding a wing or a mixed force.

31. Where a Regiment or Battalion serving abroad shall be so divided as to constitute two distinct commands, and one portion shall be under the command of the Regimental Major, who is also a Brevet Lieutenant-Colonel; or when a Brevet Lieutenant-Colonel shall be in command of a mixed force of at least 400 men of different Corps for a consecutive period of not less than one month, or where he shall draw the command pay of such command for any period in consequence of the death or removal of the Commanding Officer, Our Commander-in-Chief may, with the approval of Our Secretary of State for War, allow such service, or portions of such service, to reckon as part of the period required to qualify for the rank of Colonel.

Reckoning of Staff Service.

32. An Officer's Staff Service shall reckon towards the rank of Colonel from the date of his Commission to the Staff, or if not commissioned from the date of assuming duty at home, and from the date of embarking for a staff appointment abroad until the date of disembarkation, if he shall return home without delay. *Acting* Staff service shall not reckon, unless the appointment shall be subsequently confirmed.

Lieutenant-Colonels and Majors.

Promotion of Major to Lieut.-Colonel.

33. A Major may attain the rank of Lieutenant-Colonel:—

a. By regimental succession.

b. By promotion to a half-pay Lieutenant-Colonelcy.

c. By brevet, if senior in the Army rank of Major, in succession to a vacancy on the establishment of General Officers.

d. By brevet for distinguished service in the field.

e. By brevet on removal from the appointment of Assistant Adjutant General, Assistant Quartermaster General, Military Secretary, or Assistant Military Secretary, after five years' satisfactory service therein as a substantive Field Officer.

f. By appointment to be Deputy Adjutant General or Deputy Quartermaster General abroad where there shall not be an Adjutant General or Quartermaster General.

Promotion of Captain to Lieut.-Colonel.

34. A Captain in the Royal Artillery, Royal Engineers, or Royal Marines, may attain the rank of Lieutenant-Colonel by regimental succession.

Appendix III.—*continued.*

Lieut. and Captain in Foot Guards.
35. A Lieutenant and Captain in the Foot Guards may attain the rank of Captain and Lieutenant-Colonel by regimental succession.

Promotion to Major.
36. A Captain, after six years' full pay service in Our Army, may attain the rank of Major:—
a. By regimental succession.
b. By promotion to a half-pay majority (not applicable to Royal Artillery or Royal Engineers).
c. By brevet, if senior in the Army rank of Captain, and on service, in succession to a Major promoted under Art 33, clause *c*.
d. By brevet for distinguished service in the field.

Promotion of Majors and Captains by Brevet.
37. When a vacancy shall occur on the establishment of General Officers, the senior Major on the General List of the Army, shall be promoted to be a Lieutenant-Colonel and the senior Captain on service to be a Major.

Indian Amalgamation.

Indian amalgamation (intermediate).
38. All promotions to the rank of Lieutenant-Colonel and Major in consequence of vacancies amongst General Officers shall, until the general fusion herein-after provided for in Art. 39, fall in each case to that service (British or Indian) to which the General Officer creating the vacancy belonged; and such promotions shall be made under the regulations now in force in either service.

Indian amalgamation (final).
39. When the first addition shall be made (under Article 23), on account of Indian Staff Corps to the British establishment of General Officers, all the Officers of the Staff Corps, and when the Lists (E.) and (F.) shall be commenced (under Article 27), all the Officers of the Royal (Indian) Artillery or Royal (Indian) Engineers, including in each case the General Officers, shall be transferred in the order of seniority to the General Seniority List of the British Army, and brevet promotion up to the rank of Lieutenant-Colonel, in succession to vacancies on the establishment of General Officers, shall be governed by such seniority.

III.—CAPTAINS.

Promotion to Captain.
40. The rank of Captain shall be attained by regimental succession, or by promotion to the half-pay list.

Qualification for Captain.
41. An Officer shall not be eligible for the rank of Captain until he shall have served two years as a Subaltern Officer.

IV.—REGIMENTAL PROMOTION.

Non-purchase Corps.

Succession by seniority.
42. Promotion in the Royal Artillery, Royal Engineers, Non-purchase Regiments of Cavalry, and Infantry, or any other Non-purchase Corps, and to the regimental ranks of Lieutenant-Colonel and Major in Our Foot Guards shall be by seniority, unless it shall appear expedient to Our Secretary of State for War and Commander-in-Chief that the vacancy be otherwise filled.

Indian Staff Corps.
43. Promotion in Our Indian Staff Corps shall be regulated by length of service in the following manner:—
After 12 years' service, including four in the Staff Corps, a Lieutenant shall become Captain:
After 20 years' service, including six in the Staff Corps, a Captain shall become Major:
After 26 years' service, including eight in the Staff Corps, a Major shall become Lieutenant-Colonel:
An interval of two years shall, however, intervene between each step.

Purchase Corps.

Succession by sale and purchase.
44. In the Household Cavalry, Foot Guards (up to the rank of Captain and Lieutenant-Colonel), Purchase Regiments of Cavalry and Infantry of the Line, and Colonial Corps, or any other Purchase Corps, succession to a vacancy caused by an Officer permitted to retire from the service by the sale of his Commission, shall be given to the senior qualified Officer of the next grade who shall be prepared to purchase his promotion; and so on throughout the ranks below, unless it shall appear expedient to Our Secretary of State for War and Commander-in-Chief that the vacancy shall be otherwise filled. In such case an Officer of the same rank may be brought from half-pay, or a qualified Officer of the proper rank may purchase in from some other regiment. But the succession to the Officer purchasing in from another Corps shall be in such other Corps.

Succession to non-purchase vacancy.
45. If a vacancy shall arise by the promotion of an Officer to the rank of Major-General, or by the death of an Officer; or from any other cause producing a non-purchase vacancy (except augmentation), the promotions in the several ranks necessary to fill up the vacancy shall, unless it shall appear expedient to Our Secretary of State for War and Commander-in-Chief that the vacancy be otherwise filled, be given to the senior qualified Officer of each lower rank. Upon an augmentation of the Regiment such vacancy may be filled by an Officer of suitable rank from half-pay, from another Regiment, or, under special circumstances, by the succession of the senior qualified Officer of the next grade.

Return to full from half-pay.
46. An Officer who has been placed on temporary half-pay shall, while in receipt of half-pay, or within five years of its discontinuance, be eligible to be brought, by exchange or otherwise, to full pay, and to reckon previous full pay service.

First Appointments.

Artillery and Engineers.
47. Commissions as Lieutenants in Our Artillery (except in the Coast Brigade) or in Our Corps of Engineers shall be given exclusively to Cadets who, having passed through the course of instruction prescribed for Our Royal Military Academy, shall prove themselves best qualified at a final examination. Candidates for examination for admission into the Royal Military Academy shall be between 16 and 19 years of age.

Guards, Line, and Colonial Corps.
48. A Commission as Cornet and Sub-Lieutenant in Our Life Guards, as Cornet in our other Regiments of Cavalry, Ensign and Lieutenant in Our Foot Guards, or Ensign in Our Infantry of the Line and Colonial Corps, shall be given:—
I. *By purchase*, if in succession to a vacancy caused by sale, retirement to half-pay, or in certain cases, on augmentation for benefit of the Reserve Fund:—
(*a.*) To a Cadet at Our Royal Military College who shall have been unsuccessful at a competitive examination, but who shall have attained the minimum number of marks required for qualification.
(*b.*) To a Graduate in Arts of the Universities of Oxford, Cambridge, Dublin, London, Edinburgh, Aberdeen, or St. Andrews, or of the Queen's University, Ireland, without examination.
(*c.*) To a candidate who shall have obtained the standard number of marks at an examination for Direct Commissions.
II. *Without purchase*, if in succession to a vacancy caused by death, retirement to full-pay, and augmentation, except in certain cases, and in succession to Regimental Field Officers on promotion to Major-General:—
(*a.*) To Our Cadets and the Indian Cadets at the Royal Military College who pass the qualifying examination.
(*b.*) To Cadets at the Royal Military College who shall have succeeded on obtaining a place amongst those to whom Commissions can be awarded.
(*c.*) To Our Pages of Honour who have passed the qualifying examination.
(*d.*) To deserving Non-commissioned Officers.

Commissions sold for benefit of the Reserve.
49. Cornetcies, or Ensigncies, or the appointment of Ensign and Lieutenant in Our Foot Guards, may however be sold for the benefit of the Military Reserve Fund, notwithstanding that such vacancies shall have arisen otherwise than by sale.

Royal Marines.
50. Appointment to first Commissions in Our Royal Marines shall be made by Our Lord High Admiral or by Our Lords Commissioners of the Admiralty in accordance with the rules for the guidance of Our Royal Marine Forces.

Indian Staff Corps.
51. Appointments shall be made to Our Indian Staff Corps from Officers of Regiments serving in India, who shall be under the rank of substantive Field Officer, and who shall have served at least three years with their Regiments, including two years in India. Such Officers shall at first be appointed on probation.

Limits of age.
52. On examination for a first Commission, a candidate must be between the ages specified below, except in the case of promotion from the ranks, or of a Page of Honour to the Sovereign, who may be appointed to the Foot Guards at the age of 16 years and six months.

——	For Examination for Direct Commissions.	For Graduates in Arts under Art. 48.
For the Cavalry -	From 18 to 22 years	18 to 25 years.
„ Infantry -	„ 18 to 20 „	18 to 23 „
„ Colonial Corps	„ 18 to 26 „	18 to 28 „

Succession to Vacancies.

Captain promoted into a Depôt Battalion.
53. If a Captain be promoted without purchase under Art. 58, from a Regiment to be a Major in a Depôt Batta-

Appendix III.—*continued.*

lion, the Captaincy vacated, shall, as a rule be filled from the half-pay list.

Officer proceeding to half pay.

54. When an Officer of 25 years service shall retire upon half-pay the vacancy shall, as a rule, be sold for the benefit of the Reserve Fund, except in cases where the Officer retiring on half-pay will probably obtain the rank of Major-General within a period of two years, and where the Officers next for promotion in the Regiment have been, from various circumstances, placed in an unfavourable position as compared with other Corps, but from the length and distinguished nature of their service have a claim to be favourably considered; when it will rest with Our Secretary of State for War to decide, upon the merits of each case, to what extent the vacancies should be filled up by purchase or otherwise.

Qualifications for promotion.

55. Officers shall not be recommended to Us for promotion to the ranks of Lieutenant and Captain unless they shall have previously passed the requisite examination; but Officers serving with their Regiments at distant Foreign Stations may, at the discretion of Our Commander-in-Chief, be promoted provisionally.

Depôt Battalions.

To constitute one purchase Regiment.

56. The Depôt Battalions of Our Army shall be regarded for the purposes of Promotion and Exchange of their Lieut.-Colonels, Majors, and Adjutants, as one Purchase Regiment of Infantry of the Line; the Adjutants ranking as Captain.

Promotion to Lieut.-Colonel.

57. A Major may succeed to a death vacancy among the Lieutenant-Colonels after four years' service in the substantive rank of Major, and to any other vacancy after two years' such service in his Battalion or three years such service in a Depôt Battalion and in the Line taken together.

Promotion to Major.

58. The succession to a Majority shall be given to an Officer from half-pay, to a Captain in the Line, or to the senior Adjutant, provided he shall have served 10 years in the Army, including three years as Adjutant of a Depôt Battalion.

Rules of Exchange.

Exchanges between officers on full pay.

59. Subject to the sanction of Our Commander-in-Chief, Officers of equal Regimental rank on full pay serving in Our Cavalry, Military Train, Foot Guards, Infantry of the Line and Colonial Corps, and Officers (below the regimental rank of Field Officer) in Our Indian Staff Corps may exchange with one another, provided that the Commanding Officers of the respective Regiments or Corps certify that the desired exchange does not originate in any cause affecting the honour, character, or professional efficiency of the Officers, and provided also that a Certificate of a Military Medical Officer is transmitted, in each case declaring that the Officer is in a fit state to serve at the station where the Corps into which he applies to exchange is quartered. Each Officer shall also declare that he does not intend to sell out or retire upon half-pay, after such exchange, but that it is his *bonâ fide* intention to join immediately and do duty in the Corps to which he proposes to exchange; and as a rule no Officer shall be permitted to retire within six months of the date of his exchange.

Exchange from Cavalry to Infantry.

60. An Officer of Cavalry in the service previous to 31st January 1860, permitted to exchange to full or half-pay of Infantry, may, if entitled, be allowed from the Reserve Fund the former difference between the values of the Commission of his rank in the Cavalry and Infantry respectively.

Exchange from foreign service.

61. A Regimental Officer, under orders to join a Regiment or Battalion on active service, or to embark with a Corps destined for active service, shall not be permitted to exchange into another Regiment, except on the ground of ill-health, certified by a Military Medical Officer.

Guards' officers exchanging.

62. A Major and Lieutenant-Colonel of Our Household Cavalry, a Captain and Lieutenant-Colonel, Lieutenant and Captain, or Ensign and Lieutenant of Our Foot Guards, shall be permitted to exchange with an Officer of Our Cavalry, Military Train, or Infantry of the Line holding Regimental rank designated by the higher rank of the Guards' Officer exchanging.

Exchange between purchase and non-purchase regiments.

63. Exchanges may take place between the Officers of any of the services designated in Article 59, whether the purchase system be permitted or not in the Regiments concerned; but an Officer exchanging from a Purchase Regiment into a Non-purchase Regiment shall put into abeyance those rights of sale which he may have acquired by purchase or service, nor shall those rights be revived unless he again exchange into a Purchase Regiment. On the other hand, the Officer from the Non-purchase Regiment who shall exchange into a Purchase Regiment shall acquire the privileges of sale in respect to any Commissions he may have purchased; and as regards any other Commissions, he privileges of sale granted (in Art. 84) to an Officer in respect of his previous service, who has not purchased all his Commissions.

Exchange to half-pay.

64. An Officer on full pay of less than 25 years service, may exchange with an Officer of like rank and suitable age on half pay, provided Our Secretary of State for War and Commander-in-Chief are satisfied with the reasons given for such exchange. Such Officer, if he shall have served on full pay for 25 years, may receive the difference in value between a full-pay and half-pay Commission of his rank, provided another Officer shall be willing to pay it. The Officer on full pay will not, however, be permitted to designate his successor, who shall be selected by Our Commander-in-Chief.

Service in ranks.

65. In the case of an Officer promoted from the ranks, two years' service in the ranks shall, for purposes of sale, count as one years' service as a Commissioned Officer.

Exchanging officer to the bottom of the list.

66. An Officer exchanging into a Regiment shall be placed, for Regimental seniority, below all Officers holding the same Regimental rank at the time of his exchange.

Supernumerary and Seconded Officers.

Rights of Supernumerary Officers.

67. An Officer supernumerary to the establishment of his Regiment shall retain all his military rights, with his claims to promotion, by purchase or otherwise, precisely as if he remained on the active list of such Regiment.

When made Supernumerary.

68. An Officer of Cavalry or Infantry may be continued as supernumerary on the strength of his Regiment, when appointed—

a. As Assistant Adjutant-General, Assistant Quarter-master-General, or Assistant Inspector of Volunteers, if a Regimental Major.

b. As temporary Assistant Commissary-General, or Deputy Assistant Commissary General, if a Captain or Subaltern.

c. As Professor or Master, or Captain or Lieutenant of a Company of Cadets, at Our Royal Military College or Staff College.

d. As Inspector of Musketry, or Captain Instructor or Lieutenant Assistant Instructor of Musketry at the Schools of Musketry.

Officers holding Staff Appointments.

69. Promotion in succession to an Officer made supernumerary shall go in the Regiment without purchase; and the Cornetcy or Ensigncy vacated shall be sold for the benefit of the Reserve Fund.

Death of Supernumerary Officer.

70. If a Supernumerary Officer shall die while employed in any of the above appointments, no promotion shall take place in his Regiment.

Supernumerary Major purchasing Lieut.-Colonelcy.

71. If a Supernumerary Major shall purchase the Lieutenant-Colonelcy of his Regiment, the Supernumerary Majority shall be absorbed by payment from the Reserve Fund of the difference between the amount to be paid by the Major so promoted and the amount required for the Lieutenant-Colonelcy.

Promotion of Supernumerary Captains and Subalterns.

72. If a Captain shall be promoted to the rank of Major, a Lieutenant to the rank of Captain, or a Cornet or Ensign to the rank of Lieutenant, by purchase, while seconded or supernumerary, the Supernumerary Commission shall be absorbed by payment from the Reserve Fund of the difference between the sum paid by him and the amount required for the superior Commission.

After cessation of Staff Appointment.

73. A Supernumerary Major, on completion of his five years' service, or on resignation of his appointment on grounds satisfactory to Our Commander-in-Chief and Secretary of State for War, shall continue as a Supernumerary till the first vacancy shall occur into which he can be absorbed. If, however, he shall resign his appointment on grounds not satisfactory to Our Commander-in-Chief and Secretary of State for War, or shall be displaced for misconduct or incapacity, he shall be placed upon the half-pay list; or if not entitled to half-pay shall be required to sell his Commission.

Captain promoted to Major.

74. A Supernumerary Captain, on attaining the regimental rank of Major, whether by purchase or otherwise, shall join his Regiment.

Promoted Subalterns to continue supernumerary.

75. A Supernumerary Cornet, Ensign, or Lieutenant, shall, on succession to higher Regimental rank, whether by purchase or otherwise, become a Supernumerary in his new grade, if he be retained in the appointment, and shall carry up with him the officer next for promotion.

Field Officers of Artillery or Engineers employed on the Staff.

76. A Regimental Colonel or Lieutenant-Colonel of Artillery or Engineers, employed as Colonel on the Staff, or as Deputy Adjutant-General, Deputy Quartermaster-General, Assistant Adjutant-General, or Assistant Quarter-master-General, shall remain on the establishment of his Brigade or Corps.

Captains and Subalterns of Artillery or Engineers.

77. A Captain or Subaltern of Artillery or Engineers employed as Professor or Master at the Royal Military College, Sandhurst (comprising the Staff College and Cadet's College), or Royal Military Academy, Woolwich,

Appendix III.—*continued.*

or as Assistant-Inspector of Studies at the latter Institution, shall be continued as Supernumerary on the establishment of his Regiment or Corps.

Seconding of officers.

78. When an Officer shall have held an appointment in a civil situation for a period not exceeding six months he may be seconded in his Regiment, and his place therein may be filled up. While seconded he shall continue to hold his position in the Regiment and shall be promoted when his seniority shall entitle him to promotion, but he shall not have any military authority or status whatever. After ten years shall have elapsed from the period of seconding, the Officer shall, as a rule, either rejoin his Regiment as a Supernumerary Officer drawing a sum equal to the half-pay of his rank until absorbed, or shall permanently retire on full pay or half-pay, as his past service may determine. The pay of a seconded Officer shall be issued from the funds of the civil department in which he may be employed.

Seconded service shall reckon as full pay service.

Retirement by the Sale of Commissions.

Who may not sell.

79. No Officer shall be permitted to retire by the sale of his Commission whose life is certified to be in serious danger.

Prices of Commissions.

80. The prices which may be given for Commissions in Our Army shall be as follows:—

Rank.	Full Price of Commissions.	Difference in Value between the several Commissions in succession.	Difference in Value between Full and Half-pay.
	£ s. d.	£ s. d.	£ s. d.
Life Guards.			
Lieutenant-Colonel	7,250 0 0	1,900 0 0	—
Major	5,350 0 0	1,850 0 0	—
Captain	3,500 0 0	1,715 0 0	—
Lieutenant	1,785 0 0	525 0 0	—
Cornet and Sub-Lieutenant	1,260 0 0	—	—
Horse Guards.			
Lieutenant-Colonel	7,250 0 0	1,900 0 0	—
Major	5,350 0 0	1,850 0 0	—
Captain	3,500 0 0	1,900 0 0	—
Lieutenant	1,600 0 0	400 0 0	—
Cornet	1,200 0 0	—	—
Foot Guards.			
Captain (with rank of Lieutenant-Colonel)	4,800 0 0	2,750 0 0	—
Lieutenant (with rank of Captain)	2,050 0 0	850 0 0	—
Ensign (with rank of Lieutenant)	1,200 0 0	—	—
Cavalry and Infantry of the Line.			
Lieutenant-Colonel	4,500 0 0	1,300 0 0	1,314 0 0
Major	3,200 0 0	1,400 0 0	949 0 0
Captain	1,800 0 0	1,100 0 0	511 0 0
Lieutenant	700 0 0	250 0 0	365 0 0
Cornet or Ensign	450 0 0	—	150 0 0

Cavalry Officers.

81. An Officer of Cavalry of the Line, who had purchased his Commission or Commissions therein prior to the 31st January 1860, shall, on retirement by sale, be paid from the Reserve Fund in respect of each Commission so purchased a sum equal to the difference in value between such Commission at the rates of sale permitted before that date for Cavalry Officers, and at the rates specified in Art. 80.

Cavalry Majority.

82. A Captain of Cavalry purchasing his Majority shall be required to pay the full sum of 1,400*l.* if he shall have purchased any previous step at the rate specified in Art. 80; but if otherwise, he shall only be required to pay 1,350*l.*, the remaining 50*l.* being made up from the Reserve Fund to the retiring officer.

Portion of purchase money may be withheld.

83. An Officer retiring by the sale of his Commission shall not be entitled to receive the price awarded him until the arrangements for filling the vacancy are sufficiently complete to enable the payments to be made.

Sale of Commissions not purchased.

84. An Officer shall not be allowed to sell any Commission which he shall not have previously purchased, nor the Commission of a rank in which he shall not actually have served, unless with the sanction of Our Commander-in-Chief and Our Secretary of State for War, after service on full pay of 20 years or upwards. An Officer who shall have served less than 20 years and more than three years, and who shall have obtained any or all of his Commissions without purchase, may be permitted to receive, on retiring from the service, the full value of such Commissions as he may have purchased, or of a first Commission granted without purchase for distinguished service in the field; and in respect of his other non-purchase Commissions, if he be compelled to retire by ill health, misfortune, or other stringent cause, a sum not exceeding 50*l.* for every year of home service, and 100*l.* for every year of foreign service, foreign service being counted from the day of embarkation to the day of disembarkation in the United Kingdom. It shall, however, be competent for Our Secretary of State for War to award any larger sum, not exceeding the regulation value of the surrendered Commission, in consideration of special service.

Pages of Honour.

85. First Commissions granted without purchase to Pages of Honour to the Sovereign, to Cadets of the Royal Military College, to those gentlemen who brought Volunteers from the Militia, or raised men under special circumstances for Our Army, shall after two years' service be regarded as purchase Commissions.

Surplus purchase money.

86. When an Officer shall be required by Regulation to pay more for promotion than the selling Officer is allowed under Art. 84 to receive on his retirement, the balance shall be paid to the Military Reserve Fund.

Officers appointed to Commissariat.

87. An Officer appointed to the Commissariat Department on probation shall, on confirmation of his rank as Deputy Assistant Commissary-General, resign his Regimental Commission, and be allowed the regulation price of any Commission or Commissions he may have purchased.

Retirement to Full or Half Pay.

Retirement at age of 60.

88. A Regimental Lieutenant-Colonel shall retire from the command of a Regiment or Battalion on attaining the age of 60 years, unless it shall be reported to our Commander-in-Chief by the General Officer inspecting the Regiment or Battalion that it would be for the good of Our service that the said Officer should continue in command. If an Officer so retiring have attained the rank of Colonel, he shall retain his right to succeed in his turn (if qualified) to the establishment of General Officers.

Retirement on full pay.

89. When there shall be a vacancy in one of the establishments of Retired Full-pay Officers, an Officer on full-pay of the same branch shall be recommended to Us for succession to such establishment, under the Regulations for Retired Full-pay.

Retirement on half pay.

90. After 25 years' full-pay service, an Officer shall have an unqualified right to retire on half-pay. An Officer of Our West India Regiments, after 18 years' service, of which 12 have been rendered in one of Our West Indian Regiments, shall also have an unqualified right so to retire.

Superior Staff appointments.

91. An Officer, not being of the Artillery or Engineers, who shall be appointed to the Staff in any rank equal or superior to that of Deputy Adjutant-General, shall be

Appendix III.—*continued.*

required to relinquish his regimental position, and be placed on half-pay.

Military Reserve Fund.

Administration of.

92. The administration of the Military Reserve Fund shall be vested in Our Secretary of State for War.

V.—Rank on Retirement.

Promotion on retiring on full pay.

93. Every Officer permitted to retire upon full pay, except under clause 88, shall be granted a step of Honorary rank; but such Officer can have no further promotion unless he shall have retired from Our Royal Artillery or Royal Engineers as a Regimental Field Officer in consequence of wounds or ill-health contracted in the service before the 3rd November 1854, in which case he shall succeed to the higher ranks *pari passu* with the surviving Officer who stood next below him on the effective establishment at the time of his retirement.

On coming from half pay to serve or sell.

94. An Officer, not below the Regimental rank of Captain, who shall be brought from half-pay to full-pay, whether to serve or sell, may be granted brevet promotion, provided the Officer next junior in Army rank on the Full Pay list shall have become entitled by seniority to such brevet promotion.

On retirement from Artillery and Engineers.

95. Officers of Our Royal Artillery and Royal Engineers retiring on permanent half-pay at their own request, under Part II. of this Our Warrant, shall not be entitled to any further promotion.

VI.—Promotion on the Half-pay List.

Death vacancies.

96. For every three vacancies in the substantive rank of Lieutenant-Colonel occurring by death on the half-pay list, one Major serving upon full pay may be promoted without purchase to the rank of Lieutenant-Colonel on half-pay; —in like manner, for every three vacancies in the rank of Major, one Captain may be promoted without purchase from full pay to the rank of Major on half-pay; and for every three vacancies in the rank of Captain, one Lieutenant on full-pay may be promoted without purchase to the rank of Captain on half-pay. The vacancies caused by these promotions shall, as far as practicable, be filled by Officers from half-pay, or a supernumerary Commission shall be absorbed, or a Commission sold for the benefit of the Reserve Fund.

Deputy Adjutant-General and Deputy Quartermaster-General abroad.

97. An Officer after five years' service abroad as a Deputy Adjutant-General or Deputy Quartermaster-General shall be entitled to a step of substantive rank on half-pay without purchase.

Superintendent of Studies.

98. A Captain on half-pay, on appointment as Major and Superintendent of Studies at Our Royal Military College, may be promoted to the rank of Major on half-pay without purchase.

Adjutant of Depot Battalion.

99. After six years' good service as Adjutant of a Depôt Battalion an Officer shall be granted a step of substantive rank on half-pay without purchase.

Extract from the Queen's Regulations of 1868.

SECTION 4.—COMMISSIONS AND PROMOTION OF OFFICERS.

I. Appointment, Promotion, Exchange, and Retirement.
II. Examinations for Promotion.

I.—Appointment, Promotion, Exchange, and Retirement.

Royal Warrant.

137. The "Royal Warrant for the Pay, Promotion, &c. of the Army," contains the general regulations regarding the purchase and sale of military commissions, and the rules by which the appointment, promotion, exchange, and retirement of officers are governed.

Qualifications for commissions.

138. All recommendations or applications for direct commissions are to be addressed to "the Military Secretary Horse Guards," and are to certify the eligibility of the person recommended in respect to education, character, connexions, and bodily health, and to state his christian name, surname, age, and place of abode. The qualifications required for commissions will be made known to the friends of candidates, as well as the time and place of the examination to be passed before any commission is granted.

Notification in "London Gazette."

139. The London Gazettes published by authority, in which all military appointments, promotions, exchanges, and removals are inserted, and which are transmitted by the Secretary of State for War to the general officers commanding on foreign stations, are to be considered as official notifications of the appointments, &c. so published; as are also intimations from regimental agents.

Officers joining on appointment.

140. Officers, on being newly appointed to commissions in the army, are to join their regiments or depôts within two months from the dates of their appointment, or at such period as may be directed by the Adjutant-General. The period of two months is allowed to officers under the above circumstances, to enable them to provide themselves with the necessary equipments, and to join their regiments or depôts in any part of the United Kingdom. Officers, on joining their regiments or depôts, are to report themselves personally to the commanding officers. The same rule is to be observed on an officer joining any garrison or military station.

Officers failing to join.

141. In the event of an officer failing to join at the expiration of two months, he is to be reported in the subsequent regimental returns, "absent without leave" from the date of his appointment, and a special report of his absence is to be transmitted to the Adjutant-General at the end of the following (or third) month after the date of appointment, in order that, if no satisfactory account can be obtained as to the cause of his absence, his case may be brought under the consideration of the Commander-in-Chief, with a view to his appointment being cancelled.

Quarterly returns of officers for purchase.

142. Quarterly returns (on W. O. Form 727) of all officers prepared to purchase promotion are to be transmitted from each regiment of cavalry and infantry to the Military Secretary, and are to be accompanied by certificates signed by the commanding officer, viz.:—

1st. "That he has ascertained by reference, through the "regimental agent, to the responsible persons, "that in each case there is good and sufficient "security that the purchase money will be forth-"coming when called for."

2nd. "That of the individuals so returned as pur-"chasers, A. B. C., are in all respects deserving "of promotion, and those whom he would not "hesitate to recommend, whenever the vacancy "shall offer, as fit for the duties of the higher "and more responsible commission;"—or, if otherwise, he is to state his reason for withholding his recommendation. The omission in this return of any officer's name that had previously been entered should always be accounted for in an explanatory note.

In the case of an officer wishing to purchase promotion *out of his regiment*, a separate application must be forwarded to the Military Secretary, and recommended by the commanding officer, stating whether it is for Line or Colonial corps.

Duplicate to regimental agent.

143. A duplicate of this return is to be forwarded to the regimental agents; and, unless officers' names are inserted in these returns, or they shall notify their intentions direct to head-quarters at intermediate periods, stating the reason for previous omission—which reason must be certified by the colonel or commanding officer—they can have no claim to succession by purchase.

Purchase money.

144. When the regiment is abroad the commanding officer is to state the security to which reference is made. In all cases the individual selected for the purchase, or his sureties, must be prepared, when called upon, to lodge the purchase money immediately with the agents.

Purchase list.

145. If the senior who may have been returned as a purchaser, and whose money shall have been certified to be forthcoming, should decline the purchase when selected for it, or his sureties should decline it for him, he or they will be called upon to state the reason for so declining to the Military Secretary, for the Commander-in-Chief's information; and if the explanation should not be considered satisfactory, his name will be struck out of all future list of purchasers. When instructions have been once issued for the money for the promotion of the officer first on the purchase list to be lodged in the hands of the agents, it is then too late, so far as the existing vacancy is concerned, for a senior officer who may have previously withheld his name from such list, to return himself for purchase.

Exchanges on full pay.

146. All applications for exchange between officers on full pay are to be forwarded to the Military Secretary, and recommended by their respective commanding officers, and are to be accompanied, in accordance with the provisions of the Royal Warrant, by a declaration from each officer—certified by commanding officers—to the effect "*that the "exchange recommended does not originate in any cause "affecting the honour or character or professional efficiency "of the officers,*" and further, "*that they do not intend to "sell out or retire upon half-pay after effecting such ex-"change, but that it is their* bona fide *intention to join im-"mediately and do duty with the corps into which they*

Appendix III.—*continued.*

" *exchange, the leave of absence which may have been granted*
" *to either or both being cancelled by such exchange.*"

Medical certificate.

147. The certificate of a military medical officer will also be required in each case, to the effect "*that the officer is in* " *a fit state of health to serve at the station where the corps* " *into which he applies to exchange is quartered.*"

Officers on leave exchanging.

148. Officers on leave of absence wishing to exchange are to make their application in sufficient time to enable their successors to join at the expiration of the leave originally granted.

Exchanging when ordered abroad.

149. In the medical certificates required by the terms of the Royal Warrant, Part I., to be furnished in all cases of regimental officers wishing to exchange after they are placed under orders to proceed on foreign service, it must be clearly stated whether the cause of the officer's inability to proceed abroad has or has not arisen subsequently to his having been ordered to embark.

On removal from one corps to another.

150. Officers who are removed from one corps to another, either on promotion, exchange, or appointment from half-pay, are, if at home, to report themselves in writing immediately on such removal being made known in the London Gazette, to the Adjutant-General, Horse Guards; and if abroad, to the general officer commanding at the station, with the view to their receiving instructions regarding their further movements.

From one Battalion to another.

151. When an officer belonging to one battalion is promoted into a vacancy in another battalion of the same regiment, he is to continue to do duty in the former until the official notification of his promotion is received, accompanied by an intimation from the Adjutant-General of the battalion to which he is to be posted. Officers have no choice as to the particular battalion in which they are to serve, but will be posted in the manner most conducive to the interests of the service.

Court of Inquiry on officers taken prisoners of war

152. With a view to prevent any officer who may have been taken prisoner by his own neglect, or by any other unofficer-like conduct, from obtaining any of the advantages laid down in the Royal Warrant, a Court of Inquiry is, as soon as possible, to be assembled by order of the general officer commanding the forces, to investigate the circumstances under which the capture took place. After having sifted the facts as far as may be in its power, the Court is to state its opinion whether his capture is to be attributed to the chance of war to which he was exposed, or whether it occurred from any unofficer-like conduct on his part. The president and members of the Court are to make the following declaration previously to commencing the proceedings:—

Declaration.

"I, A.B., do declare upon my honour, that I will duly " and impartially inquire into, and give my opinion as to " the circumstances under which Captain C. D. became a " prisoner of war, according to the true spirit and meaning " of Her Majesty's orders and regulations on this head; " and I further declare, upon my honour, that I will not " on any account, or at any time, disclose or discover my " own vote or opinion, or that of any particular member " of the court, unless required to do so by competent " authority."

The proceedings of the Court are to be transmitted by the general officer in command of the forces to the Military Secretary.

Application for retirement by sale.

153. Commanding officers in forwarding to the Military Secretary applications from officers to retire from the service by the sale of their commissions, are to transmit the military medical certificate required by the terms of the Royal Warrant for Pay, &c., Part I. In all cases where the whole of the commissions have not been purchased, the foreign service of the officer is to be detailed.

Regimental claims.

154. Commanding officers are at the same time to transmit a certificate that all regimental claims against the officers retiring have been paid. In the event of any such claims remaining unliquidated, the officer's written consent for their amount being stopped from the proceeds of the sale of his commission, and lodged in the hands of the regimental agent, for payment of the claims upon the order of the commanding officer, is to be appended. When there is a difficulty in ascertaining that there are no regimental claims, the officer retiring is to leave in the regimental agent's hands so much of the proceeds of the sale of his commission as may appear advisable to the commanding officer, until the latter shall have satisfied himself that all such claims have been settled.

Successors to vacancies.

155. In forwarding applications for officers to retire from the army, commanding officers are invariably to name the officers whom they recommend to succeed to the vacancies, and in the event of the adjutancy falling vacant a successor of the same rank as the officer vacating the appointment should at once be nominated, who must have passed through the prescribed course of instruction at one of the schools of musketry, unless the regiment should be serving abroad, in which case an officer may be appointed adjutant subject to confirmation, and to his passing the course of musketry at a subsequent period.

Quitting regiments.

156. Officers who give in the resignation of their commissions, or who apply to retire on half pay are not, in consequence, to quit their regiments, until their names names shall appear in the "London Gazette," or until they receive permission from competent authority to do so.

Temporary half pay.

157. Every officer under 25 years' full pay service, who from wounds or ill health contracted in and by the service shall become unfit for duty, and who shall be desirous of retiring temporarily upon half pay, is to transmit his application to the Military Secretary through the commanding officer, accompanied by a certificate of a board of medical officers, explaining the cause of his becoming unfit for service.

Embodied militia in districts.

158. Commanding officers of regiments of embodied militia, when serving under a general officer's command previously to submitting the resignation of any officer to the Lord Lieutenants of their respective counties, are to make a communication of their intention through the general officer commanding the brigade, to the general officer commanding the division, who, if he sees no objection to the resignation being accepted, will signify the same to the commanding officer of the militia regiment, for the information of the Lord Lieutenant.

II. Examinations for Promotion.

Infantry and Cavalry.

Ensigns.

159. Before officers are recommended for promotion to the rank of Lieutenant, the commanding officer is to apply to the senior officer of the district or station for a Board to examine and report upon their qualifications as under:—

(*a.*) They must have a thorough knowledge, and must give an account, of the duties they have to perform as regimental orderly officers,—as officers commanding guards,—or as subaltern officers of guards under officers of superior rank.

(*b.*) They must have a thorough knowledge of, and be able to put a company through, the various exercises and evolutions prescribed in the first two Parts of the "Field Exercises of the Infantry;" and they must be acquainted with the rifle drill and practice, and the theoretical principles of musketry, as defined in the authorised book of instruction.

(*c.*) They must know exactly the place of all the company officers in every situation of the battalion, and be able to command a company in battalion exercise.

(*d.*) They must be acquainted with such parts of the Queen's regulations and orders for the army as relate to the duties and conduct of a subaltern officer, and with the Mutiny Act, and Articles of War, so far as is necessary for the performance of their duties as members of a court-martial.

(*e.*) They must be acquainted with the regulations of the army in regard to the pay and messing of the troops, the supply of clothing and necessaries, and all details regarding the weight of, and mode of carrying, the various articles of the soldier's kit, arms, accoutrements, and ammunition.

Cornets.

160. In addition to such portions of the foregoing as may apply to the cavalry service, it is necessary, in the case of Cornets recommended for promotion to the rank of lieutenant:—

(*a.*) That they shall have learnt their foot-drill and sword exercise, and have been instructed in the single and double ride.

(*b.*) That they shall be able to put a troop through the carbine, lance, and sword exercise, and to exercise both a squad and troop in the drill and evolutions prescribed in the cavalry exercise-book.

(*c.*) That they shall be able to command a troop in squadron exercise.

(*d.*) That they shall have made themselves masters of the detail of saddlery, the mode of fitting the saddle, bridle, &c., and of the whole equipment of the cavalry soldier and his horse.

Lieutenants.

161. Lieutenants in the cavalry and infantry will, in addition to the foregoing, before they are recommended for promotion to the rank of Captain, be required to show that they are further duly qualified, as follows:—

(*a.*) They must have a thorough knowledge of the provisions of the Mutiny Act and Articles of War, and of the forms and proceeding of courts-martial; and must give evidence of having

Appendix III.—*continued.*

studied some of the standard works on military law.

(*b.*) They must understand perfectly the evolutions of a regiment of cavalry or a battalion of infantry, as laid down in the regulations for those services respectively.

(*c.*) They must be acquainted with the light infantry drill, duties of outposts, patrols, escorts, advanced and rear guards.

(*d.*) They must perfectly understand the interior economy of a troop or company, and the established system of keeping their accounts.

(*e.*) They must be thoroughly acquainted with the Queen's and War Office Regulations applicable to their own branch of the service.

(*f.*) They must be competent to take charge of a troop, company, or detachment, in every position in which it may be placed.

(*g.*) And they will be required to show that they have a sufficient knowledge of field fortification and reconnoissance.

Composition and report of Board.

162. The Board of examination is to consist if possible of three field officers; but on no occasion, when it can be avoided, is any officer of the same regiment as the candidate to be a member. In all cases the Board will ascertain by practical examination, as well as by verbal and written answers to questions, whether the officer is instructed in the subjects specified in the preceding paragraphs. The questions are to be written on half margin, and the replies inserted opposite to them. The Board will mark in red ink its correction of any mistakes in the answers, and will certify in each case that "the candidate has not received "any assistance from books or other sources." The report of the Board to be on a separate sheet, and when officers of different regiments are examined by the same Board the report in connexion with each regiment is to be made separately.

Report, how forwarded.

163. The General officer commanding will forward the report of the Board, and the written questions and replies, to the Adjutant-General, accompanied by his own observations thereon regarding the nature of the examination, the correctness of the answers, and eligibility of the officer examined.

Officers when to be examined.

164. Every cornet or ensign is to be examined on the different points herein specified, before he has completed one year's service, and should he fail to qualify himself for promotion within that period, his commanding officer must report, through the general officer commanding, for the information of the Commander-in-Chief, whether it is owing to a want of diligence and attention on the part of the officer, or to sickness or other circumstances over which he could have had no control.

Penalty of neglect to pass.

165. No officer will be recommended for promotion to the rank either of lieutenant or captain unless his examination papers and certificate of qualification have been received by the Military Secretary; but the Commander-in-Chief will in all cases select the senior officer who may have qualified for promotion to the higher grade.

Artillery.

Lieutenants of artillery.

166. The examination of lieutenants of artillery for the rank of captain will include all the subjects required from officers of the line of corresponding rank, except that a general knowledge only of the evolutions of cavalry and infantry will suffice. In addition to the foregoing, lieutenants of artillery are to be examined as to their acquaintance with the more special duties of their arm of the service. The following list of subjects will serve as a guide to the nature of the examination:—

(*a.*) Field-gun drill. Exercise of heavy guns on ground and traversing platforms; mortar drill, rocket drill, Armstrong-gun drill, practice with hot shot, and molten-iron shells, gyn and transporting carriage drill.

(*b.*) General duties of the men, and principles involved, in mounting and dismounting ordnance generally, in placing guns on towers, in embarking and disembarking ordnance, and in moving ordnance up steep inclines; also the tackle, &c. required in the above operations.

(*c.*) Different pieces of ordnance in use throughout the service at the time of examination, their weight and calibre, and the special purpose of each description of ordnance.

(*d.*) Ammunition employed with ordnance generally; ammunition employed with Armstrong guns; general construction of a congreve rocket, and the principle of its motion; manufacture and action of fuzes and tubes; the advantages of the rifle action, and the principle upon which it depends; essential points with regard to rifling ordnance; general principles of breaching; position and employment of artillery in the field; considerations which regulate the rapidity of artillery fire; principles connected with the manufacture and construction of artillery carriages; general knowledge of laboratory duties.

(*e.*) Embarking and disembarking horses; management of horses on board ship.

(*f.*) To be able to define technical artillery terms, &c. in such a way as to make them understood by the non-commissioned officers and men under their command, such as—1. Point blank; 2. Point blank range; 3. Dispart; 4. Chambers; 5. Preponderance; 6. Different kinds of artillery fire; 7. How elevation gives an increase of range; 8. Windage; 9. Deviation, &c. &c.

(*g.*) Subalterns who have been one year or more in the horse brigade, or in a field battery, will be required, in addition to the foregoing subjects, to be thoroughly acquainted with stable duties, and horse artillery or field battery movements and details; all others will be required to have a general knowledge of these subjects.

When to be examined.

167. Every officer on becoming the 30th on the list of lieutenants must be prepared to undergo the required examination. An officer, however, who wishes to be examined at an earlier period may, after four years' service, apply for such examination.

Board for examination of Artillery Officers.

168. Instructions will from time to time be issued to the General or other officer commanding districts or stations to assemble a Board, to consist of three officers, viz., a field officer (of the artillery, if possible), an officer of the staff, and a captain of artillery, or an officer of that corps who may have already passed the examination. Either the gunnery instructor or the firemaster should, when practicable, be selected for this duty. If it be impossible to obtain a staff officer, a captain of the line should be substituted; if a second officer of artillery cannot be had, an officer of engineers should be substituted; but either the president or one member of the Board must be selected from the artillery.

Examination how conducted.

169. That portion of the examination which can be best replied to in writing will be conducted by means of questions prepared by the deputy adjutant-general of artillery, and forwarded to the general officer commanding the district. The *vivâ voce* and practical examination will be conducted by the board of officers, who will satisfy themselves that the officer under examination not only possesses the requisite knowledge himself, but that he is able to impart that knowledge in a clear and satisfactory manner to the non-commissioned officers and men under his command.

Report of Board.

170. The Board will then forward through the General officer its report, together with the written answers, to the Adjutant-General of the forces; and, in returning to him the written answers, the president of the Board will certify that they are the bonâ fide performances of the candidates, without assistance. The written papers will then be examined by the deputy adjutant-general of artillery, and the result, together with the opinion of the Board, reported to the Commander-in-Chief.

Extracts from the Royal Warrants of October 1858, March 1861, and January 1863, regulating Retired and Half-Pay.

Unattached Pay, Retired Full-Pay, and Half-Pay.

21. It is our further will and pleasure that the grants of unattached pay, and other rates of pay to general officers, not being colonels of regiments, and of retired full pay, and of half-pay, to officers of our army, shall be regulated by this our Royal Warrant, to be administered and interpreted by our Secretary of State for War, as the sole and standing authority for regulating such grants.

Unattached Pay.

22. Officers removed from their commissions as field officers in regiments of Foot Guards, in consequence of being promoted to be general officers, shall receive unattached pay according to the following scale; viz., lieutenant-colonel, 600*l.* a year; major, 550*l.* a year.

23. Officers promoted to be general officers from full or

Appendix III.—*continued.*

half-pay commissions in the line, shall, if duly qualified to be placed on the fixed establishment, receive unattached pay of 1*l.* 5*s.* a day.

24. Regimental colonels of Artillery and Engineers, promoted to be general officers, shall receive the net full-pay of their former rank, and regimental field officers of those corps so promoted, shall receive the unattached pay of 1*l.* 5*s.* a day, until they shall be appointed colonels commandant of battalions.

25. A general officer being colonel of a regiment, in the event of his regiment being reduced, may be placed, in the first instance, as supernumerary upon the said establishment of unattached pay, at 1*l.* 5*s.* a day; but shall fall into the first vacancy that may occur therein, until re-appointed colonel of a regiment.

26. A colonel promoted to the rank of general officer, as a reward for distinguished service in war, or in consequence of having held a command with temporary rank as general officer, shall, while supernumerary to the fixed establishment, receive the unattached pay of 400*l.* a year, until he shall fall into a vacancy on the fixed establishment of general officers.

Retired Full-Pay.

29. The retired full-pay list of field officers and captains of the Guards and line shall be fixed at 60,000*l.* a year, and of the Artillery at 48,000*l.* a year; all officers who were on the full pay retirement previously to the Royal Warrant of 1840 being considered supernumerary to the establishment of 60,000*l.* and 48,000*l.* respectively.

30. *See* new clause 30, circular No. 675 (page 15).

31. The retirement of officers of the Royal Artillery and Royal Engineers shall not be confined to the ranks of lieutenant-colonel, captain, and lieutenant, but may include a proportion of unattached general officers and regimental colonels who, relinquishing the prospect of succeeding to the command of battalions, shall be permitted to retire on 600*l.* a year.

32. Lieutenant-colonels of Royal Artillery and Royal Engineers, with the rank of colonel, of not less than 30 years service, will be permitted to retire on 400*l.* a year; and lieutenant-colonels, of shorter periods of service, and officers of inferior rank, of Artillery and Engineers, on their regimental pay, subject to the provisions of clause 30, as to unfitness from ill-health and wounds received in action.

33. The retired pay of lieutenant-colonels shall be 20*s.* a day.

34. Each officer placed on the retired full-pay list shall receive a step of honorary rank, together with the full-pay of the rank from which he retired (or the special rates applicable to officers of the Royal Artillery and Royal Engineers); but such officer cannot be further promoted.

35. The regimental field officers of Royal Artillery and Royal Engineers who have been placed on the retired full-pay list, or who may have retired on half-pay as such, in consequence of wounds or ill-health contracted in the service anterior to our Warrant of the 3rd November 1854, shall be promoted in succession up to the rank of colonel and general officer, when those who stood next below them on the effective establishment are so promoted. On attaining the rank of general officer, a number not exceeding eight of the Royal Artillery, and four of the Royal Engineers, shall be allowed to receive 400*l.* a year each, and the two seniors of the Royal Artillery, and the senior officer of the Royal Engineers who shall have been promoted, and each receive 50*l.* a year, in addition to the before-mentioned sum of 400*l.* per annum.

36. Officers appointed to veteran battalions shall not, on their reduction or retirement therefrom, acquire any claim to retired full-pay.

37. That officers commanding regiments shall be required to retire thereform on attaining 60 years of age, unless it be reported to our Commander-in-Chief by the general officer inspecting a regiment, that its condition and discipline are such as to prove that it would be advantageous to the service for the commanding officer to continue in the command of his corps. Officers retiring under this provision will be allowed the rate of retired full-pay fixed by this our Royal Warrant, retaining their prospect of becoming general officers, and their right to unattached pay as general officers in lieu of retired full-pay, provided such officers shall at the period of their retirement hold the rank of colonel in the army, and have fulfilled the conditions of service required by Article 27.

Temporary Allowance in the nature of Half-Pay.

Service of less than three years.

38. An officer having served less than three years will, if reduced, receive only a temporary allowance of half-pay, according to the following scale:—

Services on Full-Pay.	Temporary Allowance.
Under 1 year - -	- for 1 year.
1, and under 2 years -	- for 2 years.
2, and under 3 years -	- for 3 years.

The temporary allowance ceases at the termination of the above recited periods, or sooner if the officer shall have been previously placed on full-pay.

Re-appointment within five years.

39. An officer who has been placed on temporary half-pay is eligible to be appointed to a full-pay commission, either by exchange or otherwise, provided his appointment takes place within five years after he has ceased to receive temporary half-pay, in which case his former service is allowed to reckon.

40. The exchange to full-pay, under the preceding article, may be made with a full-pay officer entitled to half-pay.

Sale of Commission.

41. An officer who has been reduced with only a temporary allowance, having purchased his commission, may receive the regulated price thereof from the public through our Secretary of State for War, and the public shall be reimbursed by the sale of a first full-pay commission, which would otherwise have been conferred without purchase; but these sales shall not be required in any greater proportion than one for every two such vacated commissions.

Half Pay.

Liability to forfeiture.

42. The half-pay of the army is granted as a remuneration for past military services, and also as imposing an obligation on the officer to return to his military duties whenever called upon; therefore, any officer not obeying the call is liable to forfeit his half-pay, if not incapacitated by illness.

Wounds received in action.

43. An officer shall be entitled to be placed on the half-pay establishment if compelled to retire in consequence of wounds received in action.

Ill-health contracted on duty.

44. An officer having served more than three years shall be entitled to be placed upon the half-pay establishment, if compelled to retire in consequence of ill-health contracted on duty, as certified by the medical board or medical officers to whom he has been referred for examination. Unless the result of such examination be received by our Commander-in-Chief and Secretary of State for War, he will be considered to have retired upon half-pay for his own convenience.

45, 46. *See* clauses 45 and 46, Circular No. 675 (pages 15 and 16).

Garrison appointments.

47. No garrison commission or appointment shall give an officer any claim to half-pay on retirement.

Residence of half-pay officer.

48. The residence of the half-pay officer is to be stated every quarter in his declaration, whether his half-pay be received by an agent or by himself.

No right to sell or commute.

49. No officer on half-pay shall, of right, have a claim to sell or commute his half-pay; the permission shall be governed by such consideration of the individual case as may induce our Secretary of State for War and Commander-in-Chief to recommend it.

Sale of commission by officers having a claim to half pay.

50. If a subaltern officer, whose service confers a claim to half-pay, be desirous of retiring from the army by the sale of his commission, the following rules should be observed:—

1. If he purchased his commission, the regulated price may be granted (whether he should be receiving half-pay or a temporary allowance in the nature of half-pay).
2. If he did not purchase his commission, and had served less than seven years on full-pay in the army, he may be allowed to receive 100*l.** for each year of service as a commissioned officer, not however exceeding the regulated price of the commission he held.
3. If a non-commissioned officer shall have been promoted to the rank of an ensign or cornet, or adjutant, he shall not have a claim to retire, by the sale of his commission, unless he shall have served in the army as an officer on full-pay upwards of one year, in which case he may be awarded the full price of the commission which he shall have received without purchase, or such proportion thereof as, with reference to the length of his actual service, shall be deemed proper by our Secretary of State for War and Commander-in-Chief.

*Now 100*l.* for each year of foreign service, and 50*l.* for each year of home service.

Artillery and Engineer officers retiring on half pay at their own request.

51. The following number of officers of the Royal Artillery and Royal Engineers will be permitted to retire on permanent half-pay, at their own request:—

	Artillery.		Engineers.	
Lieutenant Colonels - -	2	- -	1	annually.
Captains of not less than 24 years' service - -	3	annually	3	every two years.
Lieutenants of not less than 20 years' service -	1	- -	1	every two years.

Appendix III.—*continued.*

Officers who may have been previously on temporary haly-pay, in consequence of reduction, will be allowed to reckon such time in making up the requisite number of years of service.

Officers retiring under this clause shall not be eligible for any further promotion.

52. An officer of any of the under-mentioned ranks, having entered the service since the termination of the war in 1815, and having been permitted to exchange to half-pay, not on account of ill-health, but for his private convenience, before he had served seven years on full-pay, shall be allowed only the old rate of half-pay specified in the following Schedule:— Certain officers who have been permitted to retire for their own convenience.

	Cavalry.		Infantry.		Artillery and Engineers.	
	New Rate.	Old Rate.	New Rate.	Old Rate.	New Rate.	Old Rate.
	Per diem. £ s. d.	Per diem. £ s. d.	Per diem. £ s. d.	Per diem. £ s. d.	Per diem. £ s. d.	Per diem. £ s. d.
Colonel Commandant	—	—	—	—	1 15 4	1 2 0
Colonel	0 15 6	0 13 0	0 14 6	0 12 0	0 16 9	0 12 0
Lieutenant-Colonel	0 12 6	0 10 0	0 11 0	0 8 6	0 11 8	0 8 6
Lieutenant-Colonel on Major's pay	—	—	—	—	0 10 1	0 7 6
Major	0 10 0	0 8 0	0 9 6	0 7 6	—	—
Captain	0 7 6	0 5 6	0 7 0	0 5 0	0 7 4	0 5 0
Ditto of Artillery, Engineers, and Infantry, having superior brevet rank, and provided he shall have served as Captain on full-pay for at least two years immediately before retirement to half-pay	—	—	0 8 0		0 8 4	—
Ditto of Cavalry with brevet rank; exchanging to half-pay after two years' full-pay service, with a Captain of Infantry	—	—	0 7 6	—	—	
Lieutenant	0 4 8	0 3 0	0 4 0	0 2 4	0 4 2	0 2 6
Ditto of Artillery, Engineers, and Infantry, if commissioned seven years as a Lieutenant in the regular army at the date of being placed upon half-pay	—	—	0 4 6	—	0 4 8	0 2 6
Ditto of Cavalry, of five years' standing, if entitled to reckon two years for the battle of Waterloo	0 5 2	—	—	—	—	—
Cornet	0 3 6	0 2 6	—	—	—	—
Junior Lieutenant of Artillery or Engineers	—	—	—	—	0 3 2	0 2 0
Ensign	—	—	0 3 0	0 1 10	—	—
Adjutant, if not commissioned as Lieutenant	0 4 0	0 4 0	0 4 0	0 4 0	—	—

If the retirement should be for the public convenience, by reduction or otherwise, or in consequence of ill-health certified by a Medical Board, the officer will be allowed the new rate of half-pay.

Promotion to unattached rank and half-pay.

53. For every three vacancies occurring by death on the British half-pay list, in the rank of Colonel and Lieutenant-Colonel, one Major serving upon full pay may be promoted to the unattached rank and half-pay of a Lieutenant-Colonel, viz., 11*s.* a day; in like manner, for every three vacancies in the rank of Major, one Captain may be promoted from the full-pay to the unattached rank and half-pay of a Major; and for every three vacancies in the rank of Captain, one Lieutenant may be promoted to the unattached rank and half-pay of Captain.

The officers so promoted under this Regulation shall retain their claims to pensions for their widows at the rate accorded to their new ranks.

The vacancies which these promotions will create on the full-pay list shall be in all cases filled from the half-pay list.

54. Service on the Staff shall be considered as full-pay service.

Given at Our Court at St. James's, this 14th day of October 1858, in the Twenty-second Year of Our Reign.

By Her Majesty's Command,
J. PEEL.

VICTORIA R.

WHEREAS we have judged it expedient to revise certain parts of Our Royal Warrant of the 14th October 1858, which regulate the full and half-pay retirements of officers of Our Army; it is Our will and pleasure, that instead of the provisions contained in clauses 30, 45, and 46 of the aforesaid Warrant, which are hereby cancelled, those contained in this Our Royal Warrant shall be adopted.

New clause 50.

The Colonels, Lieutenant-Colonels, Majors, and Captains of the Guards and Line, allowed to retire upon full pay, shall be selected and recommended to us by Our Commander-in-Chief, with the concurrence of Our Secretary of State for War, and appointed according to their regimental, and not according to their brevet rank.

But no officer shall be placed on the retired full-pay list until after a service of 30 years as a commissioned officer on full pay of a regiment, or in a staff situation; or if promoted from the ranks, until after an aggregate period of not less than 30 years' service in all grades, of which at least 15 years shall have been as a commissioned officer on regimental full pay, or on the staff; unless under special circumstances arising from ill-health contracted in the service, or in consequence of wounds received in action, it shall be deemed expedient by Our Secretary of State for War to reduce such service to any shorter period than 30 years.

An officer having actually done duty in some regiment or corps, or in some other military capacity as a commissioned officer in the public service, for a period of at least three years, shall be entitled to be placed on the half-pay establishment on reduction from full-pay. New clause 45.

An officer who has been promoted from the ranks shall be entitled to the benefit of this provision after one year's service on full pay as a commissioned officer, and at least five years' service as a non-commissioned officer.

No officer shall be permitted to retire upon permanent half-pay until after a service of 25 years as a commissioned officer on full pay of a regiment, or in a staff situation; or if promoted from the ranks, until after an aggregate period of not less than 25 years' service in all grades, of which at least 10 years shall have been as a commissioned officer on regimental full pay, or on the staff; unless the retirement shall be occasioned by unfitness for service, resulting from wounds received in action, or from ill-health, certified to have been contracted in and by military service, or shall be in accordance with the provisions laid down for officers of the Royal Artillery and Royal Engineers in clause 51 of Our Royal Warrant of the 14th October 1858. New clause 46.

The provisions in clauses 30, 45, and 46, for officers of the Guards and Line promoted from the ranks, are also applicable to the same class of officers of the Royal Artillery and Royal Engineers. Additional clause.

Given at Our Court at St. James's, this 28th day of March 1861, in the Twenty-fourth year of Our Reign.

By Her Majesty's Command,
HERBERT.

Appendix III.—*continued.*

Exchanges to Half-pay under 25 Years' Service.

VICTORIA R.

WHEREAS by our Royal Warrant of 28th March 1861, We were pleased to revise clauses 30, 45, and 46 of Our Royal Warrant of 14th October 1858: And whereas it has been represented to Us that it is expedient to further revise clause 46 of the said Royal Warrant of 14th October 1858, Our will and pleasure is, that officers of less than 25 years' service, who have performed sufficient service to justify a temporary retirement from active duty, may be permitted to exchange to temporary half-pay with any officer of corresponding rank already on the half-pay list, who may be desirous of returning to full-pay, to serve or to sell; provided the age and other qualifications of the officer returning to full-pay shall be approved by the Field-Marshal Commanding-in-Chief of Our army, and Our Secretary of State for War: And provided also, that the grounds upon which the retiring officer applies for permission to go to temporary half-pay shall be satisfactory to the Field-Marshal Commanding-in-Chief, and Our Secretary of State for War, and that the arrangement shall not be disadvantageous to the public service.

Given at Our Court at St. James's, this 31st day of January 1863, in the twenty-sixth year of Our Reign.

By Her Majesty's Command,
G. C. LEWIS.

APPENDIX IV.

CIRCULAR MEMORANDUM addressed to the ARMY at Home and Abroad.

Horse Guards, S.W., 15 February 1861.

1. His Royal Highness the General Commanding-in-Chief has had under his consideration the necessity of recalling to Full Pay Service all officers now on Half-pay who are able to serve, and wishing also to give to officers on Half-pay the opportunity of retiring from the service by the sale of their Commissions: he hereby announces, with the concurrence of the Secretary of State for War, that they will be permitted to do so, to a limited extent, in the manner and under the restrictions herein-after specified.

2. This arrangement to include General Officers who may be in receipt of the half-pay only of the regimental rank in which they retired.

3. The individuals disposed to avail themselves of this arrangement shall make application to the General Commanding-in-Chief, through the Military Secretary, according to the Form annexed.

4. The sales to take place under the following restrictions, viz.:—

No person to be allowed to sell who has passed the age of 60 years, or who cannot produce a certificate from the Army Medical Department at Head Quarters, or, if in a colony, the certificate of a medical board, or if no medical board can be assembled, the certificate of the Senior Medical Officer, showing that his retirement does not result from impaired constitution threatening earlier dissolution than a person of his age may expect in the common course of nature.

5. The price of the Commissions to be paid to the officers selling out shall be the regulation price of the rank in which they retired, or such portion as their services may entitle them to, less the difference received by them between full and half-pay.

6. It is to be understood that no officer on the Half-pay List, who may hold a garrison situation, will be permitted to retain it if he should sell under this arrangement.

7. The time allowed for the operation of this regulation shall be limited to six months for officers at home, and to one year for officers residing in the colonies.

8. Officers selling their Commissions under this Regulation will be granted the Brevet Rank to which they might be entitled had they been restored to Full-pay to sell in the usual manner, their names being retained as Retired Officers in the Army List accordingly,

9. As the funds at the disposal of the Secretary of State for War for this purpose are limited, the applications will be considered in the order in which they are received; and when the funds are expended no further sales will be allowed.

10. Officers of Artillery and Engineers on the Half-pay List who may be desirous of availing themselves of the benefit of this Regulation, so far as the provisions thereof can be made applicable to them, are at liberty to make application accordingly; but as such officers are not, under ordinary circumstances, eligible to dispose of their Commissions by sale, each application as received will be specially considered with reference to the previous service of the officer.

By command,
JAMES YORKE SCARLETT,
Adjutant-General.

APPENDIX V.

RETURN of the Number of Promotions in the several Purchase Corps of the Army to the various Ranks, distinguishing those which went by purchase and those without purchase, during the year from 1st April 1869 to 1st April 1870.

Regiment.	Lt.-Col.		Major.		Capt.		Lieut.	
	By pur.	Non-pur.	By pur.	Non-pur.	By pur.	Non-pur.	By pur.	Non-pur.
1st Life Guards	..	..	..	..	3	..	3	..
2nd "	..	..	..	..	2	..	2	..
Royal Horse Guards	..	..	..	..	3	..	6	..
1st Dragoon Guards	..	..	..	..	4	..	6	..
2nd " "	..	..	1	..	1	..	1	..
3rd " "	..	..	1	..	4	..	5	..
4th " "	..	..	..	..	1	..	1	..
5th " "	1	..	1	..	1	..	2	..
6th " "	1	..	1	..	2	..	3	..
7th " "	..	..	1	..	4	..	6	..
1st Dragoons	..	..	..	..	2	..	3	..
2nd "	..	..	1	..	2	..	3	1
3rd Hussars	..	..	1	..	3	..	3	..
4th "	..	..	..	..	2	..	3	2
5th Lancers	1	..	1	..	3	1	3	3
6th Dragoons	..	..	1	..	2	..	4	..
7th Hussars	..	..	1	..	1	..	3	..
8th "	..	..	..	..	3	..	5	..
9th Lancers	1	..	1	..	2	..	2	..
10th Hussars	..	..	..	..	..	..	1	..
11th "	..	..	..	..	1	..	1	..
12th Lancers	..	..	..	..	1	..	4	..
13th Hussars	..	..	..	..	2	..	5	1
14th Hussars	..	..	..	..	2	..	3	..
15th "	..	..	..	..	1	..	2	..
16th Lancers	..	..	..	..	2	..	3	1
*17th "	..	..	1	..	2	..	4	1
Grenadier Guards	..	..	..	1	4	..	9	..
Coldstream Guards	..	..	..	..	3	..	4	..
Scots Fusilier Guards	..	..	..	..	3	..	5	1
Military Train	..	..	..	..	1	..	2	..
1st Foot	..	..	..	..	..	..	3	2
2nd "	..	..	1	..	1	2	1	1
3rd "	..	..	..	..	2	..	11	1
4th "	..	..	..	..	2	1	5	1
5th "	..	..	1	..	1	1	1	1
6th "	..	..	..	..	1	1	1	2
7th "	..	..	..	1	1	..	4	..
8th "	..	..	..	..	2	..	3	1
9th "	..	..	..	..	1	..	1	..
10th "	..	..	..	..	1	..	5	1
11th "	..	..	..	1	..	1	4	3
12th "	..	..	..	1	1	1	3	5
13th "	..	..	..	..	2	..	6	1
14th "	..	..	..	..	..	..	..	..
15th "	..	..	1	..	4	..	3	1
16th "	..	..	..	..	1	1	3	1
17th "	..	..	..	..	4	..	5	..
18th "	..	..	1	..	1	..	3	..
19th "	..	1	..	1	1	2	2	3
20th "	..	..	..	..	1	1	2	1
21st "	..	..	..	..	..	..	1	4
22nd "	..	..	..	..	2	..	3	..
23rd "	1	..	1	..	3	..	4	..
24th "	..	..	..	..	2	..	3	..
25th "	1	..	1	..	2	..	5	2
26th "	..	..	..	1	1	..	2	..
27th "	..	1	..	1	2	..	2	..
28th "	..	..	1	1	1	1	1	1
29th "	..	..	..	..	2	..	1	..

* See after total for 18th Hussars.

Appendix V.—*continued.*

Regiment.	Lt.-Col. By pur.	Lt.-Col. Non-pur.	Major. By pur.	Major. Non-pur.	Capt. By pur.	Capt. Non-pur.	Lieut. By pur.	Lieut. Non-pur.
30th Foot	..	..	..	..	..	..	..	..
31st „	..	..	..	..	2	1	2	1
32nd „	..	1	1	1	1	1	2	1
33rd „	..	..	..	..	2	..	3	..
34th „	..	..	..	..	2	..	3	..
35th „	..	..	..	..	1	..	3	..
36th „	..	..	..	..	1	..	2	..
37th „	..	..	..	1	..	1	1	2
38th „	..	..	1	..	1	..	3	4
39th „	..	..	..	..	1	..	1	..
40th „	..	..	..	..	..	..	2	..
41st „	..	..	..	..	..	1	1	1
42nd „	..	..	..	..	1	..	1	..
43rd „	..	..	..	..	1	..	2	..
44th „	..	1	..	1	2	1	3	..
45th „	..	..	..	..	..	..	1	3
46th „	..	..	..	..	2	..	2	..
47th „	..	..	..	..	..	..	1	..
48th „	..	..	1	..	2	..	4	1
49th „	..	1	..	1	..	..	1	..
50th „	..	..	..	..	1	..	1	..
51st „	1	..	1	..	4	..	4	..
52nd „	1	..	1	..	3	..	4	..
53rd „	..	..	..	..	..	..	3	..
54th „	..	..	..	..	1	..	1	..
55th „	..	..	..	..	1	..	3	..
56th „	..	1	..	1	..	1	1	..
57th „	..	..	..	..	2	..	3	..
58th „	..	..	1	..	1	..	1	4
59th „	..	..	..	..	..	..	..	..
60th „	..	1	2	..	5	..	7	..
61st „	..	..	..	..	1	..	1	..
62nd „	..	..	..	..	1	..	2	..
63rd „	..	..	..	..	2	..	3	..
64th „	..	..	..	..	1	..	5	..
65th „	..	..	..	..	4	..	4	..
66th „	1	..	2	..	4	..	8	..
67th „	..	..	..	..	..	..	2	..
68th „	..	1	..	1	1	1	1	1
69th „	..	..	1	..	5	..	6	..
70th „	..	..	..	..	1	..	1	..
71st „	..	..	..	..	1	..	4	..
72nd „	..	..	1	..	2	..	3	..
73rd „	..	..	..	1	..	1	..	1
74th „	..	..	..	..	..	..	..	..
75th „	..	..	..	..	3	..	5	..
76th „	..	..	..	..	..	1	..	..
77th „	..	..	..	..	1	..	1	..
78th „	..	..	..	..	2	..	3	..
79th „	..	..	..	..	..	..	..	..
80th „	..	..	..	..	..	..	..	..
81st „	..	..	..	..	..	..	3	..
82nd „	..	..	..	..	1	..	2	..
83rd „	..	..	..	..	2	..	3	..
84th „	1	..	1	..	1	..	3	..
85th „	..	..	..	..	..	..	..	..
86th „	..	..	..	..	2	..	2	..
87th „	..	..	1	..	5	..	7	1
88th „	..	..	..	..	2	..	3	1
89th „	..	..	..	..	3	..	3	1
90th „	..	..	..	..	..	..	..	..
91st „	..	..	1	..	1	..	..	..
92nd „	1	..	1	..	2	..	2	1
93rd „	1	..	1	..	4	..	6	..
94th „	..	..	..	..	..	..	1	..
95th Foot	..	..	..	..	2	..	2	..
96th „	..	..	..	..	..	..	1	..
97th „	..	..	..	..	..	..	4	1
98th „	..	..	..	..	1	..	2	..
99th „	..	..	..	..	..	..	3	..
100th „	..	..	..	..	..	..	1	..
Rifle Brigade	..	..	..	..	4	..	5	..
1st W. I. Regiment	..	..	..	..	..	1	9	..
2nd „ „	..	..	..	..	..	..	3	3
3rd „ „	..	..	..	..	1	..	1	2
Ceylon Rifle Regiment	..	..	..	..	..	..	5	1
Cape Md. Riflemen	..	..	..	..	..	..	1	1
Canadian Rifle Regiment	..	..	..	..	1	..	1	..
Total	12	10	35	15	207	23	389	78
Add 18th Hussars	..	..	1	..	1	..	1	..
	12	10	36	15	208	23	390	78

ANALYSIS of Non-purchase Promotions during years 1869–70.

Ranks.	In succession to Officers promoted Major-General.	In succession to death vacancies.	In succession to Officers seconded.	In succession to Officers retired on Full Pay.	In succession to Officers retired on Half Pay.	Adjutant promoted when junior goes up by purchase.	In succession to Probationers for Indian Staff Corps.	On augmentation.	Special, in succession to Sale.
Lt.-Colonel	..	1	3	2	4	..	..	..	..
Major	..	5	2	2	6	..	..	..	..
Captain	..	15	3	2	3	..	..	..	..
Lieutenant	..	35	2	3	2	3	31	1	1

Horse Guards,
10th May 1870.

APPENDIX VI.

RETURN of the Number of Full-pay Commissions of each Rank in Purchase Corps which have been absorbed on Reduction during the past Five Years, distinguishing Purchase and Non-purchase Vacancies. (From 1st April 1865 to 31st March 1870.)

Regiment and Year.	Lt.-Col. By pur.	Lt.-Col. Non-pur.	Major. By pur.	Major. Non-pur.	Captain. By pur.	Captain. Non-pur.	Lieut. By pur.	Lieut. Non-pur.	Cornet. By pur.	Cornet. Non-pur.
1st Life Guards 1865-66	..	..	..	..	..	..	..	..	..	..
66-67	..	..	..	..	..	..	..	..	..	..
67-68	..	..	..	..	..	..	..	..	..	..
68-69	..	..	..	..	..	..	..	..	..	..
69-70	..	..	..	..	..	..	..	..	..	..
2nd Life Guards 65-66	..	..	..	..	..	..	..	..	..	..
66-67	..	..	..	..	..	..	..	..	..	..
67-68	..	..	..	..	..	..	..	..	..	..
68-69	..	..	..	..	..	..	..	..	..	..
69-70	..	..	..	..	..	..	..	..	..	..
Royal Horse Guards 65-66	..	..	..	..	..	..	..	..	..	..
66-67	..	..	..	..	..	..	..	..	..	..
67-68	..	..	..	..	..	..	..	..	..	..
68-69	..	..	..	..	..	..	..	..	..	..
69-70	..	..	..	..	..	..	..	..	..	..
1st Dragoon Guards 65-66	..	..	..	..	..	..	..	..	..	..
66-67	..	..	..	..	..	..	1	..	..	..
67-68	..	..	..	..	..	..	..	..	..	..
68-69	..	..	..	..	..	..	..	..	..	..
69-70	..	..	..	..	..	..	1	1	..	2
2nd Dragoon Guards 65-66	..	..	..	..	..	..	..	..	..	..
66-67	..	..	..	..	..	..	..	..	..	..
67-68	..	..	..	..	..	..	..	..	1	..
68-69	..	..	..	..	..	..	..	..	..	..
69-70	..	..	..	..	..	1	..	..	1	1
3rd Dragoon Guards 65-66	..	..	..	..	..	..	..	1	..	..
66-67	..	..	..	..	..	..	..	..	..	..
67-68	..	..	..	..	..	..	..	..	..	..
68-69	..	..	..	..	..	..	..	..	1	..
69-70	..	..	..	..	..	..	..	..	2	1
4th Dragoon Guards 65-66	..	..	..	..	..	..	..	..	..	..
66-67	..	..	..	..	..	..	..	..	..	..
67-68	..	..	..	..	..	..	..	..	..	..
68-69	..	..	..	..	..	..	..	..	..	..
69-70	..	..	..	..	..	..	..	..	1	..
5th Dragoon Guards 65-66	..	..	..	..	..	..	..	..	..	..
66-67	..	..	..	..	..	..	..	..	..	..
67-68	..	..	..	..	..	..	1	..	..	..
68-69	..	..	..	..	..	..	1	..	..	..
69-70	..	..	..	..	..	..	..	..	1	..
6th Dragoon Guards 65-66	..	..	..	..	..	..	..	..	..	..
66-67	..	..	..	..	..	..	..	..	..	..
67-68	..	..	..	..	..	..	..	..	..	..
68-69	..	..	..	..	..	..	..	..	1	..
69-70	..	..	..	..	..	..	..	..	2	..
7th Dragoon Guards 65-66	..	..	..	..	..	..	..	..	..	..
66-67	..	..	..	..	..	..	..	..	..	..
67-68	..	..	..	..	..	..	1	1	1	2
68-69	..	..	..	..	..	..	..	..	..	..
69-70	..	..	..	..	..	..	..	..	4	..
1st Dragoons 65-66	..	..	..	..	..	..	..	..	..	..
66-67	..	..	..	..	..	..	..	..	..	..
67-68	..	..	..	..	..	..	..	..	..	..
68-69	..	..	..	..	..	..	..	..	1	1
69-70	..	..	..	..	..	..	..	..	1	..
2nd Dragoons 65-66	..	..	..	..	..	..	..	1	..	..
66-67	..	..	..	..	..	..	..	..	..	..
67-68	..	..	..	..	..	..	..	..	..	..
68-69	..	..	..	..	..	..	..	..	..	..
69-70	..	..	..	..	..	..	..	..	2	..

Appendix VI.—*continued.*

Regiment and Year.		Lt.-Col.		Major.		Captain.		Lieut.		Cornet or Ensg.	
		By pur.	Non-pur.	By pur.	Non-pur.	By pur.	Non-pur.	By pur.	Non pur.	By pur.	Non-pur.
3rd Hussars	65-66	..	..	..	..	..	..	..	..	..	..
	66-67	..	..	..	..	..	..	..	..	..	..
	67-68	..	..	..	..	..	..	1	..	..	..
	68-69	..	..	..	..	..	..	..	..	..	..
	69-70	..	..	..	..	..	..	..	..	..	..
4th Hussars	65-66	..	..	..	..	..	..	..	..	..	..
	66-67	..	..	..	..	..	..	..	..	..	..
	67-68	..	..	..	..	..	..	..	..	..	..
	68-69	..	..	..	..	..	..	..	..	..	..
	69-70	..	..	..	..	..	..	..	..	..	..
5th Lancers	65-66	..	..	..	..	..	..	..	..	..	..
	66-67	..	..	..	..	..	..	..	..	..	..
	67-68	..	..	..	..	..	..	..	..	..	..
	68-69	..	..	..	..	..	..	..	..	..	..
	69-70	..	..	..	..	..	..	..	..	..	..
6th Dragoons	65-66	..	..	..	..	..	..	..	..	..	..
	66-67	..	..	..	..	..	..	..	..	..	..
	67-68	..	..	..	..	..	..	..	..	..	..
	68-69	..	..	..	..	..	..	..	..	4	..
	69-70	..	..	..	..	..	..	1	..	1	..
7th Hussars	65-66	..	..	..	..	..	..	..	..	..	..
	66-67	..	..	..	..	..	..	..	..	1	..
	67-68	1	..	..	..	..	..	1	..	1	..
	68-69	..	..	..	..	..	..	..	..	..	..
	69-70	..	..	..	..	..	..	1	..	..	..
8th Hussars	65-66	..	..	..	..	..	..	..	..	..	..
	66-67	..	..	..	..	..	..	..	..	..	..
	67-68	..	..	..	..	..	..	..	..	..	..
	68-69	..	..	..	..	..	..	..	..	..	..
	69-70	..	..	..	..	..	..	..	..	2	..
9th Lancers	65-66	..	..	..	..	..	..	..	..	..	..
	66-67	..	..	..	..	..	..	..	..	..	..
	67-68	..	..	..	..	..	..	..	..	..	..
	68-69	..	..	..	..	..	..	..	..	..	..
	69-70	..	..	..	..	..	..	..	..	2	..
10th Hussars	65-66	..	..	..	..	..	..	..	..	..	..
	66-67	..	..	..	..	..	..	..	..	..	..
	67-68	..	..	..	..	..	..	..	..	..	..
	68-69	..	..	..	..	..	..	..	..	..	..
	69-70	..	..	..	..	..	..	..	..	1	..
11th Hussars	65-66	..	..	..	..	..	..	..	..	..	..
	66-67	..	..	..	..	..	..	..	..	..	..
	67-68	..	..	..	..	..	..	..	1	..	..
	68-69	..	..	..	..	..	..	..	..	..	..
	69-70	..	..	..	..	..	..	..	..	1	..
12th Lancers	65-66	..	..	..	..	..	..	..	..	..	..
	66-67	..	..	..	1	..	..	..	..	..	..
	67-68	..	..	..	..	..	..	..	..	..	..
	68-69	..	..	..	..	..	..	..	..	..	..
	69-70	..	..	..	..	..	..	..	..	3	..
13th Hussars	65-66	..	..	..	..	..	..	..	..	..	..
	66-67	..	..	..	..	..	..	..	..	..	..
	67-68	..	..	..	..	..	..	1	..	..	..
	68-69	..	..	..	..	..	..	..	..	..	..
	69-70	..	..	..	..	..	..	..	..	2	..
14th Hussars	65-66	..	..	..	..	..	..	..	..	..	..
	66-67	..	..	..	..	..	..	1	..	..	..
	67-68	..	..	..	..	..	..	..	..	..	..
	68-69	..	..	..	..	..	..	..	..	1	..
	69-70	..	..	..	..	..	..	..	..	1	..
15th Hussars	65-66	..	..	..	..	..	..	..	..	..	..
	66-67	..	..	..	..	..	..	..	..	..	..
	67-68	..	..	..	..	..	..	..	..	..	..
	68-69	..	..	..	..	..	..	..	..	..	..
	69-70	..	..	..	..	..	..	..	..	..	..
16th Lancers	65-66	..	..	..	..	..	..	..	..	..	..
	66-67	..	..	..	..	..	..	..	..	..	..
	67-68	..	..	..	..	..	..	..	..	..	..
	68-69	..	..	..	..	..	..	..	..	..	..
	69-70	..	..	..	..	..	..	..	..	..	..
17th Lancers	65-66	..	..	..	..	..	..	..	..	..	..
	66-67	..	..	..	..	..	..	..	..	..	..
	67-68	..	..	..	..	..	..	..	..	..	..
	68-69	..	..	..	..	..	..	..	..	..	..
	69-70	..	..	..	..	..	..	1	..	..	..
18th Hussars	67-68	(No other absorption in this regiment during the five years.)						..	1	3	..
Military Train	65-66	..	..	..	..	..	..	..	..	..	..
	66-67	..	..	..	..	..	..	..	..	..	..
	67-68	..	..	..	..	..	..	1	1	1	..
	68-69	..	..	..	..	1	..	..	..	3	1
	69-70	..	..	..	..	1	..	2	..	2	..
Grenadier Guards	65-66	..	..	..	..	..	..	..	..	..	..
	66-67	..	..	..	..	..	..	..	..	..	..
	67-68	..	..	..	..	..	..	..	..	..	..
	68-69	..	..	..	1	..	..	..	..	..	..
	69-70	..	..	..	..	..	..	..	..	..	..
Coldstream Guards	65-66	..	..	..	..	..	..	..	..	..	..
	66-67	..	..	..	..	..	..	..	..	..	..
	67-68	..	..	..	..	..	..	..	..	1	..
	68-69	..	..	..	..	..	..	..	..	..	..
	69-70	..	..	..	..	..	..	..	..	..	..
Scots Fusilier Guards	65-66	..	..	..	..	..	..	..	..	..	..
	66-67	..	..	..	..	..	..	..	..	..	..
	67-68	..	..	..	..	..	..	..	..	..	..
	68-69	..	..	..	..	..	..	..	..	..	..
	69-70	..	..	..	..	..	..	..	..	1	..
1st Foot	65-66	..	1	..	..	1	..	..	..	..	..
	66-67	..	..	..	..	..	..	..	..	..	..
	67-68	..	..	..	..	..	..	..	..	..	..
	68-69	..	..	..	..	..	..	..	..	..	..
	69-70	..	..	..	..	..	..	..	..	..	..
2nd Foot	65-66	..	..	..	..	..	..	..	..	..	..
	66-67	..	..	..	..	..	..	..	..	..	..
	67-68	..	..	..	..	..	..	1	2	..	..
	68-69	..	..	..	..	2	..	1	..	..	..
	69-70	..	..	..	..	..	..	2	..	..	..
3rd Foot	65-66	..	..	..	..	..	..	..	..	..	..
	66-67	..	..	..	..	1	1	1	..	..	..
	67-68	..	..	..	..	..	..	1	2	..	..
	68-69	..	..	..	..	..	..	..	..	..	..
	69-70	..	..	..	..	..	..	..	..	2	..
4th Foot	65-66	..	..	..	..	..	..	..	..	..	..
	66-67	..	..	..	..	..	..	..	..	..	1
	67-68	..	..	..	..	..	..	1	..	1	..
	68-69	..	..	..	..	1	3	2	1	1	1
	69-70	..	..	..	..	1	..	..	..	..	..

Regiment and Year.		Lt.-Col.		Major.		Captain.		Lieut.		Ensign.	
		By pur.	Non-pur.	By pur.	Non-pur.	By pur.	Non-pur.	By pur.	Non-pur.	By pur.	Non-pur.
5th Foot	65-66	..	..	..	..	..	..	..	..	..	..
	66-67	..	..	..	..	..	..	..	..	..	..
	67-68	..	..	..	..	..	..	..	..	1	1
	68-69	..	..	..	..	1	..	2	..	..	..
	69-70	..	..	..	..	..	..	1	..	1	..
6th Foot	65-66	..	..	..	..	..	..	..	..	..	..
	66-67	..	..	..	..	2	..	1	1	..	2
	67-68	..	..	..	..	..	..	..	..	..	1
	68-69	..	..	..	..	..	..	..	..	..	..
	69-70	..	..	..	..	..	..	..	..	..	..
7th Foot	65-66	..	..	..	..	..	..	..	..	..	..
	66-67	..	..	..	..	..	..	..	..	..	..
	67-68	..	..	..	..	2	..	..	..	1	1
	68-69	..	..	..	..	..	..	1	1	..	..
	69-70	..	..	..	..	..	..	..	..	1	..
8th Foot	65-66	..	..	..	..	..	..	..	..	..	..
	66-67	..	..	..	..	..	..	..	..	..	..
	67-68	..	..	..	..	1	..	1	..	1	1
	68-69	..	..	..	..	1	..	1	..	..	..
	69-70	..	..	..	..	..	..	..	..	..	..
9th Foot	65-66	..	..	..	..	..	..	..	..	..	..
	66-67	..	..	..	..	1	..	..	..	..	..
	67-68	..	..	..	..	..	..	..	..	..	..
	68-69	..	..	..	..	1	1	1	1	..	2
	69-70	..	..	..	..	..	1	1	..	..	1
10th Foot	65-66	..	..	..	..	..	..	..	1	..	..
	66-67	..	..	..	..	..	1	..	..	..	..
	67-68	..	..	..	..	..	..	..	..	..	..
	68-69	..	..	..	..	..	..	..	..	..	1
	69-70	..	..	..	..	..	..	..	..	1	..
11th Foot	65-66	..	..	..	..	..	..	..	..	..	..
	66-67	..	..	..	..	..	..	..	..	..	..
	67-68	..	..	..	..	..	..	..	..	..	..
	68-69	..	..	..	..	..	..	..	..	..	..
	69-70	..	..	..	..	..	..	..	..	1	1
12th Foot	65-66	..	..	..	..	..	..	..	..	..	..
	66-67	..	..	..	..	2	..	1	..	2	..
	67-68	..	..	..	..	..	..	..	1	..	..
	68-69	..	..	..	..	..	1	..	..	..	..
	69-70	..	..	..	..	..	1	..	..	..	..
13th Foot	65-66	..	..	..	..	1	..	..	..	..	..
	66-67	..	..	..	..	1	..	2	1	1	..
	67-68	..	..	..	..	..	..	..	..	..	1
	68-69	..	..	..	..	..	..	..	1	..	1
	69-70	..	..	..	..	..	..	..	..	1	..
14th Foot	65-66	..	..	..	..	..	..	..	..	..	..
	66-67	..	..	..	..	1	1	2	..	2	..
	67-68	..	..	..	..	..	..	..	..	..	..
	68-69	..	..	..	..	..	..	..	..	..	..
	69-70	..	..	..	..	..	1	..	1	2	1
15th Foot	65-66	..	..	..	..	..	..	..	..	..	..
	66-67	..	..	..	..	..	..	..	..	..	..
	67-68	..	..	..	..	..	..	..	..	..	2
	68-69	..	..	..	..	1	1	..	2	..	2
	69-70	..	..	..	..	..	..	..	..	..	1
16th Foot	65-66	..	..	..	..	..	..	..	..	..	..
	66-67	..	..	..	..	1	..	..	..	..	..
	67-68	..	..	..	..	..	..	..	..	..	..
	68-69	..	..	..	..	..	..	1	..	..	3
	69-70	..	..	..	..	1	..	2	..	1	..
17th Foot	65-66	..	..	..	..	..	..	..	..	..	..
	66-67	..	..	..	..	1	1	1	..	1	..
	67-68	..	..	..	..	..	..	1	..	2	1
	68-69	..	..	..	..	1	1	..	2	..	..
	69-70	..	..	..	..	..	..	..	..	2	..
18th Foot	65-66	..	..	..	..	..	..	..	..	..	..
	66-67	..	..	..	..	2	..	1	1	1	1
	67-68	..	..	..	..	..	..	..	..	..	..
	68-69	..	..	..	..	..	..	..	..	..	..
	69-70	..	..	..	..	..	..	..	..	1	..
19th Foot	65-66	..	..	..	..	..	..	..	..	..	..
	66-67	..	..	..	..	..	..	..	..	..	..
	67-68	..	..	..	..	..	..	..	..	..	..
	68-69	..	..	..	..	..	..	..	..	..	..
	69-70	..	..	..	..	..	..	..	..	1	..
20th Foot	65-66	..	..	..	..	..	..	..	..	..	..
	66-67	..	..	..	..	..	1	..	..	..	1
	67-68	..	..	..	..	..	..	..	1	..	1
	68-69	..	..	..	..	1	..	1	..	..	2
	69-70	..	..	..	..	..	..	..	..	1	..
21st Foot	65-66	..	..	..	..	..	..	..	..	..	..
	66-67	..	..	..	..	1	1	..	..	..	3
	67-68	..	..	..	..	..	1	..	..	..	1
	68-69	..	..	..	..	..	..	..	..	..	..
	69-70	..	..	..	..	..	..	..	..	..	..
22nd Foot	65-66	..	..	..	..	..	..	..	..	..	..
	66-67	..	..	..	..	..	..	..	..	..	1
	67-68	..	..	..	..	1	..	1	..	..	2
	68-69	..	..	..	..	..	..	..	..	..	..
	69-70	..	..	..	..	1	..	1	..	..	..
23rd Foot	65-66	..	..	..	..	1	..	1	..	3	1
	66-67	..	..	..	..	..	..	..	..	..	..
	67-68	..	1	..	..	1	1	..	1	..	2
	68-69	..	..	..	..	..	..	1	..	..	..
	69-70	..	..	1	..	1	..	..	1	1	..
24th Foot	65-66	..	..	..	..	..	..	..	..	..	..
	66-67	..	..	..	..	..	..	1	..	1	..
	67-68	..	..	..	..	..	..	..	..	..	..
	68-69	..	..	..	..	..	..	..	..	..	1
	69-70	..	..	..	..	..	..	..	..	1	1
25th Foot	65-66	..	..	..	..	..	..	..	..	..	..
	66-67	..	..	..	..	..	..	..	..	..	..
	67-68	..	..	..	..	..	..	..	1	2	..
	68-69	..	..	..	..	..	..	1	..	..	..
	69-70	..	..	..	..	1	..	..	..	1	..
26th Foot	65-66	..	..	..	..	..	..	..	..	..	..
	66-67	..	..	..	..	..	..	..	..	..	..
	67-68	..	..	..	..	..	..	..	..	..	..
	68-69	..	..	..	..	..	..	..	..	..	..
	69-70	..	..	..	..	..	..	..	..	..	..
27th Foot	65-66	..	..	..	..	..	..	..	..	..	..
	66-67	..	1	..	..	..	..	..	..	..	..
	67-68	..	..	..	..	..	..	..	..	1	..
	68-69	..	..	..	..	..	2	1	..	..	1
	69-70	..	..	..	..	..	..	..	..	..	..
28th Foot	65-66	..	..	..	..	..	..	..	..	..	..
	66-67	..	..	..	..	1	..	1	..	..	..
	67-68	..	..	..	..	..	..	..	..	1	..
	68-69	..	..	..	..	..	..	..	..	..	..
	69-70	..	..	..	..	..	..	..	..	1	..

Appendix VI.—*continued.*

Regiment and Year.		Lt.-Col.		Major.		Captain.		Lieut.		Ensign.	
		By pur.	Non-pur.	By pur.	Non-pur.	By pur.	Non-pur.	By pur.	Non-pur.	By pur.	Non-pur.
29th Foot	65-66	..	..	..	..	..	..	..	..	..	..
	66-67	..	..	..	..	..	..	..	..	..	..
	67-68	..	..	..	..	..	..	..	..	..	..
	68-69	..	..	..	..	..	1	..	..	..	..
	69-70	..	..	..	..	..	..	..	..	2	..
30th Foot	65-66	..	..	..	..	..	..	..	..	..	..
	66-67	..	..	..	..	..	..	..	..	..	..
	67-68	..	..	..	..	..	..	..	..	..	..
	68-69	..	..	..	..	..	..	..	..	..	2
	69-70	..	..	..	..	..	..	..	..	1	..
31st Foot	65-66	..	..	..	..	..	..	..	..	..	..
	66-67	..	..	..	..	1	..	2	..	1	1
	67-68	..	..	..	..	..	..	..	..	..	1
	68-69	..	..	..	..	..	..	..	..	..	1
	69-70	..	..	..	..	..	..	..	..	..	..
32nd Foot	65-66	..	..	..	..	..	..	..	..	..	..
	66-67	..	..	..	..	..	..	..	..	..	..
	67-68	..	..	..	..	..	..	..	..	..	..
	68-69	..	..	..	..	..	..	..	..	..	1
	69-70	..	..	..	..	..	..	..	..	..	1
33rd Foot	65-66	..	..	..	..	1	..	..	..	..	..
	66-67	..	..	..	..	..	..	..	..	..	..
	67-68	..	1	..	..	..	..	..	..	..	1
	68-69	..	..	..	..	2	..	1	..	..	1
	69-70	..	..	..	..	..	..	..	..	2	..
34th Foot	65-66	..	..	..	..	..	..	..	..	..	..
	66-67	..	..	..	..	2	1	..	..	..	1
	67-68	..	..	..	..	2	..	1	..	..	1
	68-69	..	..	..	..	..	..	1	..	..	..
	69-70	..	..	..	..	..	..	..	..	1	..
35th Foot	65-66	..	..	..	..	..	..	..	..	..	..
	66-67	..	..	..	..	..	..	..	..	..	..
	67-68	..	..	..	..	1	..	..	1	..	..
	68-69	..	..	..	..	..	..	..	..	2	..
	69-70	..	..	..	..	..	..	..	..	..	..
36th Foot	65-66	..	..	..	..	..	..	..	..	..	..
	66-67	..	..	..	..	..	..	..	..	..	..
	67-68	..	..	..	..	..	..	..	..	..	..
	68-69	..	..	..	..	..	..	..	..	..	..
	69-70	..	..	..	..	..	..	..	..	..	..
37th Foot	65-66	..	..	..	..	..	..	..	..	..	..
	66-67	..	..	..	..	..	..	..	..	..	..
	67-68	..	..	..	..	..	..	..	..	..	..
	68-69	..	..	..	..	..	..	..	..	..	..
	69-70	..	..	..	..	..	..	..	..	..	..
38th Foot	65-66	..	..	..	..	..	..	..	..	..	..
	66-67	..	..	..	..	..	..	..	..	..	..
	67-68	..	..	..	..	..	..	..	..	..	..
	68-69	..	..	..	..	..	..	1	..	..	..
	69-70	..	..	..	..	..	..	..	..	..	..
39th Foot	65-66	..	..	..	..	..	..	..	..	..	..
	66-67	..	..	..	..	1	..	1	..	..	..
	67-68	..	..	..	..	..	..	..	..	..	1
	68-69	..	..	..	..	..	..	..	..	..	..
	69-70	..	..	..	..	..	..	..	..	..	..
40th Foot	65-66	..	..	..	..	..	..	..	..	..	..
	66-67	..	..	..	..	1	1	1	1	1	..
	67-68	..	..	..	..	..	..	..	..	2	..
	68-69	..	..	..	..	..	..	..	..	..	..
	69-70	..	..	..	..	..	..	..	..	..	..
41st Foot	65-66	..	..	..	..	..	..	..	..	..	..
	66-67	..	..	..	..	..	..	..	..	..	..
	67-68	..	..	..	..	..	..	..	..	..	..
	68-69	..	..	..	..	..	..	..	..	..	..
	69-70	..	..	..	..	..	..	..	..	..	..
42nd Foot	65-66	..	..	..	..	..	..	..	..	..	..
	66-67	..	..	..	..	..	..	..	..	..	1
	67-68	..	..	..	..	..	1	..	..	..	1
	68-69	..	..	..	..	..	..	1	..	..	..
	69-70	..	..	..	..	1	..	1	..	..	..
43rd Foot	65-66	..	..	..	..	..	..	..	..	..	..
	66-67	..	..	..	..	1	..	..	..	1	..
	67-68	..	..	..	..	1	..	1	..	..	..
	68-69	..	..	..	..	..	..	1	..	1	..
	69-70	..	..	..	..	..	..	..	..	..	..
44th Foot	65-66	..	..	..	..	..	..	..	..	..	..
	66-67	..	..	..	..	..	..	..	..	..	..
	67-68	..	..	..	..	..	..	1	..	1	1
	68-69	..	..	..	..	..	..	1	..	..	..
	69-70	..	..	..	..	1	..	..	..	..	..
45th Foot	65-66	..	..	..	..	1	..	..	..	..	..
	66-67	..	..	..	..	..	..	..	..	..	..
	67-68	..	..	..	..	..	..	..	..	..	..
	68-69	..	..	..	..	..	..	..	..	..	..
	69-70	..	..	..	..	..	..	..	..	..	..
46th Foot	65-66	..	..	..	..	..	..	..	..	..	..
	66-67	..	..	..	..	..	..	..	..	..	..
	67-68	..	..	..	..	..	..	..	..	..	..
	68-69	..	..	..	..	1	1	1	..	1	1
	69-70	..	..	..	..	..	..	..	..	2	..
47th Foot	65-66	..	..	..	..	..	..	..	..	..	..
	66-67	..	..	..	..	..	..	..	..	..	..
	67-68	..	..	..	..	..	..	..	..	..	..
	68-69	..	..	..	..	..	..	..	..	..	..
	69-70	..	..	..	..	..	..	..	..	1	..
48th Foot	65-66	..	..	..	..	..	2	..	1	..	..
	66-67	..	..	..	..	2	..	1	..	..	1
	67-68	..	..	..	..	..	1	..	1	..	..
	68-69	..	..	..	..	..	..	..	..	..	..
	69-70	..	..	..	..	..	..	..	..	1	..
49th Foot	65-66	..	..	..	..	..	..	..	..	..	..
	66-67	..	..	..	..	..	..	..	..	..	..
	67-68	..	..	..	..	..	..	..	..	..	..
	68-69	..	..	..	..	..	..	..	..	..	..
	69-70	..	..	..	..	..	1	..	..	..	..
50th Foot	65-66	..	..	..	..	..	..	..	..	..	..
	66-67	..	..	..	..	..	..	..	..	..	..
	67-68	..	..	..	..	..	..	..	..	..	..
	68-69	..	..	..	..	1	1	..	..	..	..
	69-70	..	..	..	..	..	..	1	..	2	..
51st Foot	65-66	..	..	..	..	1	..	..	..	..	..
	66-67	..	..	..	..	..	..	..	..	..	..
	67-68	..	..	..	..	..	..	..	..	..	..
	68-69	..	..	..	..	..	1	1	..	..	..
	69-70	..	..	..	..	..	..	1	..	..	..
52nd Foot	65-66	..	..	..	..	1	..	..	..	..	..
	66-67	..	..	..	..	..	..	..	..	..	..
	67-68	..	..	..	..	2	..	1	..	1	..
	68-69	..	..	..	..	..	..	1	..	..	..
	69-70	..	..	..	..	..	..	..	..	..	1

Regiment and Year.		Lt.-Col.		Major.		Captain.		Lieut.		Ensign.	
		By pur.	Non-pur.	By pur.	Non-pur.	By pur.	Non-pur.	By pur.	Non-pur.	By pur.	Non-pur.
	65-66	..	..	..	..	..	..	..	..	..	..
	66-67	..	..	..	..	..	..	..	..	..	..
53rd Foot	67-68	..	..	..	..	..	..	..	..	..	..
	68-69	..	..	..	..	..	..	..	..	..	..
	69-70	..	..	..	..	..	..	..	..	1	1
54th Foot	65-66	..	..	..	..	..	..	..	..	..	..
	66-67	..	..	..	..	1	1	1	..	1	..
	67-68	..	..	..	..	..	..	..	1	..	..
	68-69	..	..	..	..	..	..	..	..	..	..
	69-70	..	..	..	..	..	..	..	..	..	..
55th Foot	65-66	..	..	..	..	..	..	..	..	..	..
	66-67	..	..	..	..	..	..	..	..	..	..
	67-68	..	..	..	..	..	..	..	..	..	..
	68-69	..	..	..	..	..	..	..	..	..	..
	69-70	..	..	..	..	..	..	..	..	1	..
56th Foot	65-66	..	..	..	..	..	..	..	..	..	..
	66-67	..	..	..	..	1	..	..	1	..	..
	67-68	..	..	..	..	..	1	1	..	2	..
	68-69	..	..	..	..	..	..	..	..	..	..
	69-70	..	..	..	..	..	..	..	..	..	..
57th Foot	65-66	..	..	..	..	..	..	..	..	..	..
	66-67	..	..	..	..	1	..	..	1	..	1
	67-68	..	..	..	..	1	..	..	..	..	1
	68-69	..	..	..	..	..	..	..	1	..	..
	69-70	..	..	..	..	..	..	..	..	3	..
58th Foot	65-66	..	..	..	..	..	..	..	..	..	..
	66-67	..	..	..	..	..	..	..	..	..	..
	67-68	..	..	..	..	..	..	..	..	..	..
	68-69	..	..	..	..	..	..	..	..	..	..
	69-70	..	..	..	..	..	..	..	..	..	..
59th Foot	65-66	..	..	..	..	..	..	..	..	..	..
	66-67	..	..	..	..	2	..	1	1	2	..
	67-68	..	..	..	..	..	..	..	..	..	..
	68-69	..	..	..	..	..	..	..	..	..	..
	69-70	..	..	..	..	..	..	..	..	..	..
60th Foot	65-66	..	..	..	..	..	..	..	..	..	..
	66-67	..	..	..	..	2	..	2	..	2	..
	67-68	..	..	..	..	..	..	..	1	..	..
	68-69	..	..	..	..	..	..	1	1	1	1
	69-70	..	..	..	..	1	1	1	..	3	..
61st Foot	65-66	..	..	..	..	..	..	..	..	..	..
	66-67	..	..	..	..	..	..	..	..	..	..
	67-68	..	..	..	..	..	..	..	..	..	..
	68-69	..	..	..	..	..	..	..	..	..	1
	69-70	..	..	..	..	..	..	..	..	1	..
62nd Foot	65-66	..	..	..	..	..	..	..	..	..	..
	66-67	..	..	..	..	1	..	1	..	..	..
	67-68	..	..	..	..	..	..	..	..	..	..
	68-69	..	..	..	..	..	..	..	..	..	..
	69-70	..	..	..	..	..	..	..	..	..	..
63rd Foot	65-66	..	..	..	..	..	..	..	..	..	..
	66-67	..	..	..	..	1	1	2	..	1	1
	67-68	..	..	..	..	..	..	..	..	..	..
	68-69	..	..	..	..	..	..	..	..	..	..
	69-70	..	..	..	..	..	..	..	..	..	..
64th Foot	65-66	..	..	..	..	..	..	..	..	..	..
	66-67	..	..	..	..	..	..	..	..	..	..
	67-68	..	..	..	..	..	..	..	..	..	..
	68-69	..	..	..	..	..	..	..	..	..	1
	69-70	..	..	..	..	..	..	..	..	..	..
65th Foot	65-66	..	..	..	..	..	..	..	..	..	..
	66-67	..	..	..	..	1	1	1	..	1	..
	67-68	..	..	..	..	..	..	1	..	..	..
	68-69	..	..	..	..	..	..	..	..	..	..
	69-70	..	..	..	..	..	..	..	..	..	..
66th Foot	65-66	..	..	..	..	..	..	..	..	..	..
	66-67	..	..	..	..	1	..	1	1	1	..
	67-68	..	..	..	..	..	..	..	..	1	..
	68-69	..	..	..	..	1	..	..	..	..	..
	69-70	..	..	..	..	..	..	..	..	..	..
67th Foot	65-66	..	..	..	..	..	..	..	..	..	..
	66-67	..	..	..	..	2	..	..	..	..	..
	67-68	..	..	..	..	..	..	..	..	..	2
	68-69	..	..	..	..	..	..	2	..	..	..
	69-70	..	..	..	..	..	..	..	..	..	..
68th Foot	65-66	..	..	..	..	..	..	..	..	..	..
	66-67	..	..	..	..	2	..	1	..	..	..
	67-68	..	..	..	..	..	..	1	..	1	..
	68-69	..	..	..	..	..	..	2	..	..	..
	69-70	..	..	..	..	..	..	..	..	..	..
69th Foot	65-66	..	..	..	..	..	..	..	..	..	..
	66-67	..	..	..	..	1	..	..	..	..	..
	67-68	..	..	..	..	..	..	..	..	..	..
	68-69	..	..	..	..	..	..	..	..	..	1
	69-70	..	..	..	..	..	..	..	..	1	..
70th Foot	65-66	..	..	..	..	..	..	..	..	..	..
	66-67	..	..	..	..	1	..	..	1	1	..
	67-68	..	..	..	..	..	..	..	..	1	..
	68-69	..	..	..	..	1	..	1	..	..	..
	69-70	..	..	..	..	..	..	..	..	..	..
71st Foot	65-66	..	..	..	..	..	..	..	..	..	..
	66-67	..	..	..	..	1	..	..	..	..	1
	67-68	..	..	..	..	..	..	..	..	1	..
	68-69	..	..	..	..	..	..	..	..	..	..
	69-70	..	..	..	..	..	..	..	..	2	1
72nd Foot	65-66	..	..	..	..	..	..	..	..	..	..
	66-67	..	..	..	..	2	..	..	1	1	..
	67-68	..	..	..	..	..	..	..	..	1	..
	68-69	..	..	..	..	..	..	..	..	..	..
	69-70	..	..	..	..	..	..	..	..	..	..
73rd Foot	65-66	..	..	..	..	..	..	..	..	..	..
	66-67	..	..	..	..	..	..	..	..	..	..
	67-68	..	..	..	..	..	..	..	..	..	..
	68-69	..	..	..	..	..	..	..	..	..	..
	69-70	..	..	..	..	..	..	..	..	..	..
74th Foot	65-66	..	..	..	..	..	..	..	..	..	..
	66-67	..	..	..	..	2	..	..	1	1	1
	67-68	..	..	..	..	..	..	..	..	..	..
	68-69	..	..	..	..	..	..	..	..	..	..
	69-70	..	..	..	..	..	..	..	..	..	..
75th Foot	65-66	..	..	..	..	..	..	..	..	..	..
	66-67	..	..	..	..	2	..	1	..	..	..
	67-68	..	..	..	..	..	..	..	..	2	..
	68-69	..	..	..	..	..	..	..	..	..	1
	69-70	..	..	..	..	..	..	..	..	1	1
76th Foot	65-66	..	..	..	..	..	..	..	..	..	..
	66-67	..	..	..	..	..	..	..	..	..	..
	67-68	..	..	..	..	..	..	..	..	..	..
	68-69	..	..	..	..	..	..	..	..	..	..
	69-70	..	..	..	..	..	..	..	..	..	..

Appendix VI.—*continued.*

Regiment and Year.		Lt.-Col.		Major.		Captain.		Lieut.		Ensign.	
		By pur.	Non-pur.	By pur.	Non-pur.	By pur.	Non-pur.	By pur.	Non-pur.	By pur.	Non-pur.
77th Foot	65-66	..	..	..	..	..	..	..	..	..	..
	66-67	..	..	..	..	..	..	..	..	..	..
	67-68	..	1	..	..	..	..	..	..	..	..
	68-69	..	..	..	..	..	1	..	..	..	..
	69-70	..	..	..	..	..	..	..	1	..	1
78th Foot	65-66	..	..	..	..	..	..	..	..	..	..
	66-67	..	..	..	..	..	..	..	..	..	..
	67-68	..	..	..	..	..	..	..	..	..	..
	68-69	..	..	..	..	..	..	..	..	..	..
	69-70	..	..	..	..	..	..	..	..	1	..
79th Foot	65-66	..	..	..	..	..	..	1	1	..	..
	66-67	..	..	..	..	..	..	..	..	..	..
	67-68	..	..	..	..	..	..	..	..	..	..
	68-69	..	..	..	..	..	..	..	..	..	..
	69-70	..	..	..	..	..	..	..	..	..	..
80th Foot	65-66	1	..	..	..	..	..	..	1	..	..
	66-67	..	..	..	..	..	1	..	..	..	..
	67-68	..	..	..	1	..	..	..	..	..	1
	68-69	..	..	..	..	..	..	1	1	..	..
	69-70	..	..	..	..	..	..	..	..	..	..
81st Foot	65-66	..	..	..	1	..	..	..	..	..	..
	66-67	..	..	..	1	..	..	..	..	1	1
	67-68	..	..	..	1	..	1	1	1	..	..
	68-69	..	..	..	..	..	..	..	..	..	..
	69-70	..	..	..	..	..	..	..	..	..	..
82nd Foot	65-66	..	..	..	..	..	..	..	..	..	..
	66-66	..	..	..	1	..	..	..	..	..	..
	67-68	..	..	..	..	..	..	..	..	..	..
	68-69	..	..	..	..	..	..	..	..	..	1
	69-70	..	..	..	..	..	1	1	1	..	..
83rd Foot	65-66	..	..	..	..	..	..	..	..	..	..
	66-67	..	..	..	2	..	1	..	..	..	..
	67-68	..	..	..	..	..	..	..	..	..	..
	68-69	..	..	..	..	..	..	..	..	..	..
	69-70	..	..	..	..	..	..	..	1	..	..
84th Foot	65-66	..	..	..	..	..	..	..	..	..	..
	66-67	..	..	..	..	..	..	..	..	..	..
	67-68	..	..	..	..	..	..	..	..	..	..
	68-69	..	..	..	..	..	..	..	1	1	..
	69-70	..	..	..	..	..	..	..	..	..	..
85th Foot	65-66	..	..	..	..	..	..	..	..	..	..
	66-67	..	..	..	1	..	1	..	2	..	..
	67-68	..	..	..	..	..	..	..	..	..	..
	68-69	..	..	..	..	..	..	..	..	..	..
	69-70	..	..	..	..	..	..	..	..	..	..
86th Foot	65-66	..	..	..	..	..	..	..	..	..	..
	66-67	..	..	..	..	..	..	..	..	..	..
	67-68	..	..	..	..	..	..	..	..	..	..
	68-69	..	..	..	..	..	..	..	..	..	..
	69-70	..	..	..	..	..	..	..	..	1	..
87th Foot	65-66	..	..	..	..	..	..	..	..	..	..
	66-67	..	..	..	..	..	..	..	..	..	..
	67-68	..	..	..	..	..	..	..	..	..	..
	68-69	..	..	..	..	..	..	..	..	..	..
	69-70	..	..	..	..	..	..	..	..	1	1
88th Foot	65-66	..	..	..	..	..	..	..	..	..	..
	66-67	..	..	..	..	..	..	..	..	..	..
	67-68	..	..	..	..	..	..	..	..	..	..
	68-69	..	..	..	..	..	..	..	..	..	..
	69-70	..	..	..	..	..	..	..	..	1	..
89th Foot	65-66	..	..	..	..	..	..	..	..	..	..
	66-67	..	..	..	1	..	1	..	1	1	..
	67-68	..	..	..	..	..	1	..	..	..	..
	68-69	..	..	..	..	..	..	..	..	..	..
	69-70	..	..	..	..	..	..	..	1	..	..
90th Foot	65-66	..	..	..	..	..	..	..	..	..	..
	66-67	..	..	..	..	..	..	..	..	..	..
	67-68	..	..	..	..	..	..	..	..	..	..
	68-69	..	..	..	..	..	1	..	..	..	2
	69-70	..	..	..	..	1	..	1	..	..	..
91st Foot	65-66	..	..	..	..	..	..	..	..	..	..
	66-67	..	..	..	..	..	..	..	..	..	..
	67-68	..	..	..	..	..	..	..	..	..	..
	68-69	..	..	..	1	1	1	1	..	1	..
	69-70	..	..	..	..	..	..	..	..	..	..
92nd Foot	65-66	..	..	..	..	..	..	..	1	..	..
	66-67	..	..	..	..	..	..	1	..	..	..
	67-68	..	..	..	..	..	..	..	..	..	..
	68-69	..	..	..	..	..	..	..	..	..	..
	69-70	..	..	..	..	..	..	..	..	..	..
93rd Foot	65-66	..	..	..	..	..	..	..	..	..	..
	66-67	..	..	..	..	..	..	..	..	..	..
	67-68	..	..	..	..	..	..	..	..	..	..
	68-69	..	..	..	..	..	..	..	..	..	..
	69-70	..	..	..	..	..	..	1	1	..	1
94th Foot	65-66	..	..	..	..	..	..	..	..	..	..
	66-67	..	..	..	..	..	..	..	..	..	..
	67-68	..	1	..	..	1	..	..	1	..	2
	68-69	..	..	..	..	1	..	..	..	..	1
	69-70	..	..	..	..	..	..	..	..	1	..
95th Foot	65-66	..	..	..	..	..	..	..	..	..	..
	66-67	..	..	..	..	..	..	..	..	..	..
	67-68	..	..	..	..	..	..	..	..	..	..
	68-69	..	..	..	..	..	..	..	..	..	..
	69-70	..	..	..	..	..	..	..	..	..	1
96th Foot	65-66	..	..	..	..	1	..	..	..	..	..
	66-67	..	..	..	..	..	..	..	..	..	..
	67-68	..	..	..	..	..	..	..	..	..	..
	68-69	..	..	..	..	..	..	..	..	..	..
	69-70	..	..	..	..	..	..	..	..	..	..
97th Foot	65-66	..	..	..	..	..	..	..	..	..	..
	66-67	..	..	..	..	..	..	..	..	..	..
	67-68	..	..	..	..	..	..	..	2	..	2
	68-69	..	..	..	..	..	2	..	..	..	..
	69-70	..	..	..	..	..	..	..	..	..	..
98th Foot	65-66	..	..	..	..	..	..	..	..	..	..
	66-67	..	..	..	..	..	1	..	..	..	..
	67-68	..	..	..	..	1	..	1	..	..	1
	68-69	..	..	..	..	..	..	1	..	..	1
	69-70	..	..	..	..	..	..	..	..	1	..
99th Foot	65-66	..	..	..	..	..	1	..	..	..	..
	66-67	..	..	..	..	..	..	..	..	..	..
	67-68	..	..	..	..	..	..	..	..	..	..
	68-69	..	..	..	..	..	..	..	..	..	..
	69-70	..	..	..	..	..	..	1	..	..	2
100th Foot	65-66	..	..	..	..	..	..	..	..	..	..
	66-67	..	..	..	..	..	..	..	..	..	..
	67-68	..	..	..	..	..	..	..	..	..	..
	68-69	..	..	..	..	2	..	..	..	..	..
	69-70	..	..	..	..	2	..	..	..	2	1
Rifle Brigade	65-66	..	..	..	..	..	..	..	..	..	..
	66-67	..	..	..	..	..	1	..	..	..	1
	67-68	..	..	..	..	1	..	1	..	1	..
	68-69	..	..	..	..	1	2	2	1	2	..
	69-70	..	..	..	..	..	..	..	..	3	..
1 W. I. R.	65-66	..	..	..	..	..	..	..	..	..	..
	66-67	..	..	..	..	..	..	..	..	..	..
	67-68	..	..	..	..	..	..	..	..	..	..
	68-69	..	..	..	..	..	..	..	..	..	..
	69-70	..	..	..	..	..	..	..	..	..	..
2 W. I. R.	65-66	..	..	..	..	..	1	..	..	..	..
	66-67	..	..	..	..	..	..	..	..	..	..
	67-68	..	..	..	..	..	..	..	..	..	..
	68-69	..	..	..	..	..	..	1	..	..	..
	69-70	..	..	..	..	..	..	..	1	..	..
3 W. I. R.	65-66	..	..	..	..	..	..	..	1	..	..
	66-67	..	..	..	..	..	..	..	..	..	..
	67-68	..	..	..	..	..	..	..	..	..	1
	68-69	..	..	..	..	..	..	..	..	..	..
	69-70	..	..	1	..	..	..	2	..	..	1
4 W. I. R.	65-66	..	..	..	..	..	..	..	..	..	..
	66-67	..	..	..	..	..	..	1	..	..	..
	67-68	..	..	..	..	..	..	..	..	..	..
	68-69	..	..	..	..	..	..	..	..	..	..
	69-70	disbanded 1 April 1859.									
Ceylon Rifle Regt.	65-66	..	..	..	..	..	..	..	..	..	..
	66-67	..	..	..	..	..	..	..	..	..	..
	67-68	..	..	..	..	..	..	..	..	..	..
	68-69	..	..	..	..	..	..	1	..	..	..
	69-70	..	1	..	..	3	1	..	1	3	2
Cape Md. Rifle	65-66	..	..	..	..	..	..	..	..	..	..
	66-67	..	..	..	..	..	..	..	..	..	..
	67-68	..	..	..	..	..	..	..	..	..	..
	68-69	..	..	..	..	..	..	..	..	..	..
	69-70	..	..	..	..	2	..	1	..	1	..
Royal Can. Rifle	65-66	..	..	..	..	..	..	..	..	..	..
	66-67	..	..	..	..	..	..	..	..	..	..
	67-68	..	.	..	..	..	..	..	..	..	..
	68-69	..	..	..	..	..	..	..	..	..	..
	69-70	1	..	1	..	4	..	1	3	..	3
Total		2	7	—	2	28	43	89	58	180	120

The figures in italics are not included in the above totals. They represent vacancies which in the ordinary course would have been filled by officers from half pay to serve or sell; the total number of these absorptions is stated below.

Lt.-Colonel 1; *Majors* 3; *Captains* 95; *Lieutenants* 35; *Cornets* 2.

Horse Guards,
10 May 1870.

W. F. FORSTER,
Military Secretary.

APPENDIX VII.

EXTRACT FROM THE MEMORANDUM OF THE DUKE OF WELLINGTON LAID BEFORE THE SELECT COMMITTEE ON ARMY AND NAVY APPOINTMENTS IN 1833.

In the Memorandum prepared by the Duke of Wellington for the Select Committee on Army and Navy appointments in 1833, the following observations occur:—

But there is another view of the subject which ought to be taken into consideration, the case of Officers who pay more than the regulated price for their Commissions of Lieutenant-Colonel, of whom there have been hundreds of instances.

The writer of this paper knows of one who paid 6,000 guineas for his Lieutenant-Colonelcy of a regiment of Infantry. He received the order of the Bath (which is now the Grand Cross) before he was promoted to be Colonel of a regiment of Infantry of the Line, at the end of 12 years after his promotion to be a Lieutenant-Colonel.

During that time he served upon his pay.

He surely is entitled to carry to the account of the sacrifices which he made in order to render his service, the accumulation on the purchase money of his Commission of Lieutenant-Colonel, at least, till he was promoted to be Colonel of a regiment.

Appendix VII.—*continued.*

If he had been promoted to be Lieutenant-Colonel without purchase, as he might have been, in His Majesty's Army, or as he would have been in any other service, or as he would have been in the corresponding rank of the Navy, and had equally lived upon the pay of his rank, he would have had in his pocket the purchase money of his Lieutenant-Colonelcy, and the accumulation of interest upon that sum, at the moment he was promoted to be Colonel of a regiment.

But supposing the reward of this Officer's service to be 1,100*l.* per annum, it is obvious that he had paid 6,000 guineas 12 years before; and even if nothing else is taken into consideration, it will be admitted that the reward, even in this most favoured case, was not extravagant, considering what is given in other services in the British Navy, and the rewards for exertions and services in other professions.

APPENDIX VIII.

Correspondence between the Military Secretary and the Home Office respecting an Officer who had paid Over-Regulation.

Horse Guards,
Sir, 13 October 1834.

Captain Bird, late of the 55th Foot, having submitted to the General Commanding-in-Chief papers by which it appears evident that Lieut. Cary, then of that regiment, and now a Captain in the Royals, agreed in the month of December 1830 to give Captain Bird the sum of 300*l.* above the regulation for the Company, his Lordship has for some time had under his consideration the manner in which it would be best to mark the King's disapprobation of the infraction of the regulations, and finding that much inconvenience would result from the promotion being cancelled, several officers who were promoted or appointed in consequence of it, but who were as it appears no party to the transaction, being at this moment with the 55th in India, his Lordship has recommended to His Majesty that Captain Cary should be deprived of one year's rank in the Army, and that his Commission should be dated 6th January 1833, instead of 6th January 1832.

It being understood that Captain Bird has obtained the appointment of Adjutant to the South Lincoln Militia since he quitted the Army, the General Commanding-in-Chief deems it right to bring these circumstances to the knowledge of the Secretary of State in the hope that he will consider whether it may not be possible to punish Captain Bird to the same extent as Captain Cary.

I have, &c.,
F. R. Somerset.

S. M. Phillipps, Esq.,
Downing Street.

My Lord, 25th November 1834.

In reference to the correspondence that has recently passed between your Lordship and myself respecting the conduct of Adjutant Bird, of the South Lincolnshire Militia, I am now directed by the Duke of Wellington to acquaint your Lordship, for the information of the General Commanding-in-Chief, that the case having been referred to the Lord Lieutenant of the above county, his Lordship is of opinion that that officer is deserving of some mark of censure and reprehension. It has therefore been suggested to Lord Brownlow by his Grace for consideration whether, in the event of an application by Adjutant Bird for the Brevet Rank of Captain, it would not be proper to decline appointing him to that rank for the present.

(Signed) S. M. Phillipps.

Lord F. Somerset.

APPENDIX IX.

Evidence given by H. R. H. the Duke of Cambridge before the Select Committee on Military Organisation.

The following evidence was given before the Select Committee on Military Organisation, in August 1859, by His Royal Highness the Duke of Cambridge, at the time that the correspondence as to the emoluments of officers in the cavalry, and the prices of the commissions in that service, was proceeding between the War Office and the Treasury.

3993. (*Mr. Secretary Sidney Herbert.*) Have not a good many doubts been expressed as to the legality of selling commissions beyond the regulated price?—There is no doubt upon that point.

3994. Therefore a system which is not itself a legal system is now practised in the army?—If it came to our knowledge officially that there was more given for a commission than the regulated price, there is no doubt that it would be illegal. But we do not know it; it is scrupulously kept out of our view, because it is known to be illegal.

4053. Has it not been suggested as a cure for the deficiency of the candidates, that the expenditure should be reduced, by doing away with the stoppage for forage, for example?—Yes; I think that that is a most unjust stoppage.

4055. I believe the Treasury answered to that, that they thought it was the high price of the commission which deterred gentlemen from coming in?—Yes, so I have understood.

4056. And they therefore proposed that the regulated price should be lowered?—Yes.

4057. If the regulated price were lowered, would it really affect the value of commissions one sixpence, excepting the first commissions?—No, only the first commissions.

4058. (*Chairman.*) I wish to ask your Royal Highness a question upon this very point, and bearing upon a former answer your Royal Highness gave; your Royal Highness has said that officially you are not cognizant of the prices paid above regulation?—I am not.

4059. Mr. Hammersley is one of the great firm of army agents?—He is.

4060. If prices much above regulation are paid, he is a good witness on the subject, is he not?—I should think so.

4061. Mr. Hammersley, I think, before the commission on the sale and purchase of commissions, gave evidence that the price paid in the cavalry for commissions was frequently 100 per cent. above the regulation?—I can only say that of course it is scrupulously kept out of our sight, and that it is impossible for me, in my official capacity, to say what is given, or what is not; but if we found officially that more was given, it certainly would be contrary to law.

4062. The regulation price of a lieutenant-colonelcy is 6,000*l.*, is it not?—Yes.

4063. I may be wrong, but my impression is, that Mr. Hammersley stated that as much as 14,000*l.* had been given; frequently 12,000*l.*, and that the position of a junior officer in a regiment, who was unwilling to contribute to that amount above the regulation, was most painful; that the major, the captain and the lieutenant concurred, but that the cornet objected, and that the person to whom he would naturally look to sustain him in the objection, which was according to law, would be the lieutenant-colonel; but that the lieutenant-colonel himself was a person who had a deep interest in obtaining a large sum above the regulation; if such, though not known to your Royal Highness officially, should be the state of the practice in the cavalry regiment, would not that be a reason why young men, even of fortune, should be slow to enter the cavalry?—I have no doubt of it.

4064. Though your Royal Highness is not officially aware of it, yet your Royal Highness probably can hardly entertain a doubt that this practice obtains largely?—I do not doubt it; but I can positively state that, officially, I know nothing of it, and that it is impossible that we should, for if we did know it officially, we should instantly take notice of it.

4065. When an army agent has declared, before a commission, that this practice does obtain to a great extent, is it not worthy of strict scrutiny, whether that statement be well founded or not, so that your Royal Highness may

Appendix IX.—*continued.*

obtain official cognizance of it?—It must be a transaction of honour, and it was tried formerly; there used to be a certificate given on honour, that not more than the regulation price was given, but it was done away with, because it was found that it was evaded.

4066. That there was a temptation to violate an honourable pledge?—Certainly.

4067. Is not the acknowledgment of a very general practice, hardly consistent with honour?—Where money is concerned it is a very difficult thing for any authority to limit the mode in which that is to be distributed; I should be very glad, for one, if I could see any way in which we could, officially, put a stop to it; but I am really at a loss to know how it is to be done.

4068. Your Royal Highness would admit the importance of that question, and would perhaps assure us that it would not escape your consideration whether any means could be devised of checking what your Royal Highness believes to exist, and what would appear to be inconsistent with the discipline of the regiment, and with the willingness to enter the cavalry?—I should be delighted, as far as I am concerned, and all those connected with me, if anybody could suggest any means by which it could be put a stop to; I am sure that I should be the first to jump at it; but I admit at the same time distinctly, before this Committee, that I am at a loss to know what rules or regulations could be laid down to prevent a larger sum than the regulated price being paid, because where money is concerned, it is between man and man, and it is impossible for any authority to check it.

4069. And even in the seniority services this difficulty is found to exist, is it not, where sale and purchase it not allowed?—Yes, it does exist even in the Indian army, where there is supposed to be no purchase at all; I believe there is no doubt that a purse is made up by all the juniors, and I, myself, think that it is better to have that under certain regulations, than to leave it in that sort of chance way, where I think even greater acts of injustice might be done than in the other way.

4070. (*General Peel.*) The practice of paying more than the regulated price for a commission is not confined to the cavalry?—Certainly not; it runs throughout the army.

4071. (*Chairman.*) But the relative price above the regulation is higher in the cavalry than in the infantry, is it not?—The regulation price itself is higher, and therefore naturally the other would be higher; for instance, a cornet in the cavalry pays 850*l.* by regulation, and an ensign only 450*l.*; that is nearly double.

4072. What is a lieutenant-colonelcy in the cavalry as compared with a lieutenant-colonelcy in the infantry?—I do not recollect at this moment; it is all laid down. I should be very sorry if the Committee had any notion from what I said, that I thought the system existed to greater extent in the cavalry than in the infantry; I believe that it is general throughout the army.

4073. (*Mr. Secretary Sidney Herbert.*) When your Royal Highness speaks of the expense of commissions in the cavalry being a part of the reason why the cornetcies have remained unfilled, there is also the circumstance of the more expensive habits of cavalry regiments?—Certainly.

4074. (*Sir De Lacy Evans.*) Did your Royal Highness happen to glance your eye over the evidence given by Mr. Hammersley; is it not observable that he states that the per-centage of extra money paid is largest in the Guards, next largest in the cavalry, and least in the infantry?—Yes, I believe so.

4075. Therefore it really is greater in the cavalry than in the infantry?—Yes, I believe it is.

4076. And therefore that may have to do with the matter of the difficulty of obtaining candidates?—Certainly.

4077. But your Royal Highness has expressed a wish to do away with this illegal system, if it be possible?—Yes.

4078. As it appears, without the slightest difficulty whatever, this great army agent told the Commission all about the matter, there is no secret whatever about it; it is clear that if the Commander-in-Chief should require those gentlemen to state to him what the real facts were, steps might be taken to check this matter?—A military authority can only take cognizance of what comes to him officially, and as such, I state positively that we are not aware of any more money being paid than in the usual way, because, if an officer sells out he sends in a request to retire by the sale of his commission; the officers apply for the purchase of the commission; they do not say what is given or what is not given, and therefore we can only take for granted that the regulation is complied with; if it is not complied with, of course it is in the breast of those gentlemen who make this private arrangement amongst themselves. I think that if a case of that sort were to be brought before a court, no court would be able to decide that the officer had paid more than the regulation price.

4079. Is there not a regular authority given by the Commander-in-Chief to the army agents, to transact this business of exchange and purchase?—No, the army agent has nothing to do with it; the army agent is the individual who acts between man and man; but the case all comes officially to the Commander-in-Chief.

4080. Does not the agent make a report to the Commander-in-Chief?—Yes, that the money is lodged, but only the regulated price.

4081. With regard to the illegal part, which is certainly one of the most important parts of this arrangement, if your Royal Highness sees a total impossibility of getting rid of this illegality, would it not be better to arrange with the Government that the law prohibiting this proceeding should be abrogated, and that everybody should buy these commissions in the market without impediment?—I think that it is a very objectionable practice, but I do not see my way out of it, I must admit; I am at a loss to know how to meet it.

4082. (*Mr. Walpole.*) If it did come to your Royal Highness's knowledge officially that more than the regulation price was given, you would then deal with the case?—I should treat it as an illegal matter.

4083. What would happen?—I should represent to the Secretary of State that such and such had been the case, and I should ask him if he did not think it a case for prosecution.

4084. (*General Peel.*) The army agents know of many other pecuniary transactions of the officers besides this?—Certainly we have nothing to do with the army agents except that they tell us that the money is lodged.

4085. (*Colonel Percy Herbert.*) Supposing that Mr. Hammersley, or anybody else, paid 1,000*l.* or 5,000*l.* across the counter from one officer purchasing to another officer selling, and that your Royal Highness endeavoured to extract that fact from him, you would not be likely to meet with much success?—Certainly not.

4086. He would conceal that fact, although he states it generally before a Commission?—Certainly.

4087. With reference to the Indian service, the habit is, I believe, to subscribe a purse?—So I understand; I have heard it; I believe it is so.

4088. Is it not your opinion that there is pressure placed upon officers who are unwilling, either from want of means or otherwise, to pay their quota to that purse?—Certainly; because in that case, as I understand it, everybody must pay. In the case of a commission purchased, it is merely an individual officer concerned, and if he chooses not to pay more than the regulation price, or not to pay the regulation price, he does not purchase at all, he is the only person affected; but in the Indian army, as I understand it, everybody is affected.

4089. And it is a very great source of inconvenience to the young officers, and is the cause of their being called upon to contract debt in the junior ranks?—I think so; it seems to me reasonable to suppose.

4090. So that it is a more objectionable system in the Indian army than the other which holds in the Queen's army?—I quite think so.

4091. (*Colonel Lindsay.*) If the recognized payment of money for commissions was done away with, would it not be still done?—If you did away with purchase to-morrow, I believe that those officers of the army who were rich, would, somehow or other, induce those above them to leave, in order to make room for them.

4092. (*Colonel Percy Herbert.*) Is it not the case that promotions which now go without purchase are by report paid for very largely by officers; in the case of officers retiring, for instance, on full pay?—I have no doubt of it, though I know nothing of it officially.

4093. But you have no reason to doubt that large sums of money are paid for those things?—I have no doubt of it.

4094. (*Colonel Lindsay.*) In the present regimental system

Appendix IX.—*continued.*

of seniority, it is very difficult to put a stop to it?—If anybody would suggest to me, how it could be stopped, I should be the first to jump at it; but I have never found anybody suggest any mode of stopping it, and have never found any means myself.

4095. (*Mr. Horsman.*) I think your Royal Highness said, that the reason why there was such a number of vacancies in the cavalry was, because the candidates were of a class that did not choose to face the examination?—I think so; I think that it is not because they could not pass it just as well as the others, but they are in a position of life in which it is no great object to them, and they do not choose to run the risk, many of them; as they must pass the examination, and as there is the risk of being plucked, they think it is not worth their while, as they only wish to be in the army for two or three years.

4096. Does not this high amount of money passing, which is admitted to be so objectionable, and which your Royal Highness seee so much difficulty in checking, rather tend to confine the candidates for the cavalry to that class?—As Mr. Herbert has said, the whole cavalry service is so much more expensive, that it requires a man with more means to go into the cavalry than into the line. There is no doubt, as I said before, that whenever a man has the means he will, somehow or other, try to get an advantage by the means at his command, privately of course, not officially.

APPENDIX X.

STATEMENT showing the Regulation Prices and Average Over-Regulation Prices in Cavalry Regiments of the Line.

——	Regulation.	Over-Regulation.	Total.
	£	£	
Cornet - - - -	450	—	450
Lieutenant - - -	250	575	825
Captain - - -	1,100	2,006	3,106
Major - - - -	1,400	1,600	3,000
Lieut.-Colonel - -	1,300	1,794	3,094
	4,500	5,975	10,475

This calculation is independent of the sums recoverable from the Reserve Fund in cases where officers have paid the old cavalry rate.

STATEMENT showing the Regulation Prices and Average Over-Regulation Prices of Infantry Regiments of the Line.

——	Regulation.	Over-Regulation.	Total.
	£	£	£
Ensign - - - -	450	—	450
Lieutenant - - -	250	100	350
Captain - - - -	1,100	600	1,700
Major - - - -	1,400	800	2,200
Lieut.-Colonel - -	1,300	1,000	2,300
	4,500	2,500	7,000

RETURN of Promotions in the Year 1869 in Regiments in Messrs. Cox & Co.'s Agency distinguishing Purchase and Non-purchase.

Number of Commissions.	By Purchase.	Without Purchase.	For Regulation.	In consequence of Retirement on Full Pay, Half Pay, Promotion on the Staff, and Deaths.
571	455	116	66	83

The above return is to a great extent imperfect as the arrangements for promotions are made between the officers themselves, and except when the over-regulation money is placed to an officer's account in our hands we have little or no knowledge of the fact.

Craig's Court, 9th May 1870. Cox & Co.

APPENDIX XI.

RETURN showing NUMBER of COMMISSIONS of HALF-PAY OFFICERS bought up by Reserve Fund under the Circular of 15th February 1861.

Year.	Lieut.-Colonels.	Majors.	Captains.	Lieutenants.	Ensigns and Cornets.
1861	5	3	47	2	2
1862	3	4	6	1	1
1863	2	6	3	1	1
1864	3	3	4	1	—
1865	2	6	3	—	—
1866	3	5	3	—	—
1867	2	7	1	—	—
1868	5	7	2	—	—
1869	6	7	2	—	—

RETURN showing the NUMBER of HALF-PAY PROMOTIONS by PURCHASE allowed by Treasury in consideration of the Sales under the same Circular.

Year.	To Lieut.-Colonel, Half-pay.	To Major, Half-pay.	To Captain, Half-pay.
1862	1	2	3
1863	3	6	3
1864–65	2	4	2
1865–66	2	4	2
1866–67	3	4	2
1867–68	3	4	2
1868–69	3	4	2
1869–70	3	4	2

APPENDIX XII.

AVERAGE SERVICE of PURCHASE and NON-PURCHASE OFFICERS in the INFANTRY of the LINE, as shown by the Army Lists of 1852 and 1870 respectively.

Steps purchased.	Average Years of Service on attaining the Rank of							
	Lieutenant-Colonel.		Major.		Captain.		Lieutenant.	
	Army List of 1870.	Army List of 1852.	Army List of 1870.	Army List of 1852.	Army List of 1870.	Army List of 1852.	Army List of 1870.	Army List of 1852.
All	22·3	*21·4*	17·3	*17·5*	8·2	*8·8*	2·8	*2·9*
Captain, Major, Lieut.-Colonel	22·5	*22·0*	—	—	—	—	—	—
Lieutenant, Captain, Lieut.-Colonel	22·6	*23·1*	—	—	—	—	—	—
Lieutenant, Major, Lieutenant-Colonel	24·0	*23·4*	—	—	—	—	—	—
Lieutenant, Captain, Major	23·1	*23·9*	17·3	*17·5*	—	—	—	—
Lieutenant, Captain	23·3	*27·4*	17·5	*21·0*	8·2	*8·8*	—	—
Lieutenant, Major	24·7	*25·8*	18·9	*19·4*	—	—	—	—
Lieutenant, Lieut.-Colonel	24·2	*27·0*	19·1	*23·0*	—	—	—	—
Captain, Major	23·2	*24·4*	17·4	*18·0*	—	—	—	—
Captain, Lieut.-Colonel	22·7	*25·7*	—	—	—	—	—	—
Major, Lieut.-Colonel	24·1	*24·0*	—	—	—	—	—	—
Lieutenant	24·9	*29·5*	19·1	*23·0*	9·9	*10·8*	2·8	*2·9*
Captain	23·4	*28·1*	17·6	*21·7*	8·3	*9·4*	—	—
Major	24·8	*26·4*	19·0	*19·4*	—	—	—	—
Lieutenant-Colonel	24·3	*27·6*	—	—	—	—	—	—
None	24·9	*30·0*	19·1	*23·6*	9·9	*11·3*	2·8	*3·4*
General average of the Infantry Officers included in the above averages	23·7	*24·9*	18·1	*19·9*	9·1	*9·9*	2·8	*3·1*
General average of Cavalry Officers	18·3	*20·8*	14·3	*16·3*	6·5	*7·6*	2·5	*2·2*

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APPENDIX XIII.

AVERAGE SERVICE of INFANTRY OFFICERS under various Conditions.

	On attaining the Rank of			
	Lieutenant-Colonel.	Major.	Captain.	Lieutenant.
	Years.	Years.	Years.	Years.
Purchasing officers of 1870	22·4	17·3	8·3	2·8
Non-purchasing officers of 1870	25·	19·2	9·9	2·8
Mean of purchasing and non-purchasing officers of 1870	23·7	18·1	9·1	2·8
General average of officers, based on the proportion of commissions purchased in 1869	23·	17·6	8·5	2·8
General average of officers, based on the proportion of commissions which existing officers have purchased	23·3	17·9	8·8	2·8
Average service of Lieutenant-Colonels of 1870 on becoming Lieutenant-Colonels	21·7	—	—	—
Average service of Majors of 1870 on becoming Majors	—	17·7	—	—
Purchasing officers of 1852	21·4	17·4	8·7	2·8
Non-purchasing officers of 1852	30·	23·6	11·3	3·4
Mean of purchase and non-purchase officers of 1852	24·9	19·9	9·9	3·1
Lieutenant-Colonels of 1852 on attaining that rank	23·4	—	—	—
Majors of 1852 on becoming Majors	—	19·5	—	—

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ROBT. R. F. DAVEY.

APPENDIX XIV.

MEMORANDUM on the BROKERAGE ACT.

The construction of the 49 Geo. 3. c. 126 is aided by a very brief reference to the law as it stood prior to 1809, and to the antecedent circumstances that gave rise to the legislation upon the two subjects, viz., illicit agency and purchase which are embraced in the Act.

It must be premised that the Court of Chancery having in* 1682 held that military commissions were not included in the operation of the 5 & 6 Edward 6. c. 16., it was within the competency of the Crown to declare whether these Commissions should or should not be purchaseable, and to lay down the conditions to be observed by the officers on taking-up or surrendering their commissions to make purchase transactions lawful.†

So far as they need here be referred to, these conditions have always regulated (1st) the sum (and by whom) to be paid or received; and 2ndly, the qualifications to be possessed by the appointed or promoted officer.

A transaction unauthorized by the Crown, or in which the Crown is deceived, either as to amount of the consideration really paid, or as to the qualifications of the purchasing officer, would be voidable at the option of the Crown, and the persons evading or violating the regulations liable to punishment for a misdemeanor at common law.‡

However, the regimental system of appointment and promotion in the army has always been attended with these accompanying evils (1) illicit agency, and (2) unauthorized purchase, subjects which are in some way connected, and therefore dealt with together, by this statute, but require a separate consideration.

I. Illicit agency is of old growth, and its inducements have been invariably the same, viz., the assumption—true or false—for a corrupt consideration of a power to influence the Crown directly through the Minister or indirectly through the commanding officer to appoint the candidate. Of its illegality there can be no question. "I lay down this rule" (said Lord Henley in 1763) "that if a man sells his § "interest to procure a person an office of trust or service "under the Government it is a contract of turpitude, it is "acting against the constitution, by which the Government "ought to be served by fit and able persons (recommended "by the proper officers of the Crown for their abilities) "and with purity." * * * "By this means the most "innocent and pure officer of the Crown whose business "it is to recommend, may have his honor traduced and "scandalized."

It happened that circumstances in their nature similar to those disclosed in the case before Lord Henley, arose in 1809, and called for the interference of Parliament. Agency offices had been opened in the city for the purchase and exchange of government offices, and as corrupt transactions came to the knowledge of the Ministry, indictments were preferred against the offenders.* While these proceedings were pending, and to facilitate legal proceedings for the conviction of future offenders, the Bill for the 49 Geo. 3, was introduced into the House of Commons by Mr. S. Percival. "The practices lately disclosed† consisted not in "the sale of offices by those who had the power to give "them away, but in the arts of those who pretended to "have influence over such persons, and issued public "advertisements, giving occasion to the notion that these "abuses prevailed to a much greater extent than they "actually did. This was the description of abuse which "his proposed law had in contemplation." * * * * *

"The material point then would be to make it highly penal to solicit money for procuring offices, or to circulate any advertisement with that view. This circumstance would go further than any other to check this abuse."

On referring to the Act it will be seen that by secs. 1 and 2 it extends to military commissions the operation of the 5th & 6th Edward 6. c. 16., thereby (in effect) disabling any person wrongfully purchasing from holding office. It then proceeds by secs. 3, 4, 5, and 6 to prohibit illegal practices in language which though extremely copious is not easily abridged.

(*a.*) It is a misdemeanor by the 3rd section, to sell or take money for any commission or for any resignation, or for the consent or voice of any person to such commission or resignation.

(*b.*) By the 4th section, to take or give money for any (real or pretended) interest, recommendation, or negotiation whatever, relating to any resignation or commission, or for the consent or voice, &c.

(*c.*) By the 5th, to open or keep any house, room, or office for transacting any business relating to vacancies, or sale or purchase of resignations, transfers or exchanges of commissions.

* Berrisford *v.* Done, 1 Vern. 98.
† Morris *v.* McCulloch, Amb. 435. Parsons *v.* Thompson, 1 H. Blac. 322.
‡ Stockwell *v.* North., Noy 152. Rex *v.* Vaughan, 4 Burr. 2494. Rex *v.* Pollman, 2 Camp. R. 231. Reg. *v.* Cnarritie, 13 Q. B. R. 447. 60, and 1 Russ. Crimes, p. 214.
§ Morris *v.* McCulloch, Amb. 435.

* 12 H. D. (O.S.), W. 354, and seq.
† 13 H. D. (O.S.), 822.

Appendix XIV.—*continued.*

A penalty of 50*l.* is declared recoverable by sec. 6 from any person advertising or publishing any house, &c. set up, or the name of any person as broker or agent for any of the purposes aforesaid; and that the authorized acts of duly appointed army agents might not be brought under the penal clauses, these are excepted from the operation of the Statute by the 7th section, but these agents are prohibited from receiving any special pecuniary reward for their services.

The main purpose of the Act was therefore to eradicate illicit agency, and the 3rd and 4th sections have come under the consideration of the Courts at Westminster in criminal proceedings. Indictments have been sustained under the 3rd section in Reg. *v.* Charretie 13. Q. B. Rep. 447–462, and under the 4th section in Reg. *v.* Marshall (July 1859), unreported. In another aspect (their effect upon civil contracts) the same sections have come under notice in Hopkins *v.* Prescot, 4. C. B. Rep. 579; Story *v.* Clifton, 9. C. B. Rep. 121; Græme *v.* Wroughton, 11. Exch. Ca. 157; Eyre *v.* Forbes, 12. C. B. (N. S.) 197; Eicke *v.* Jones, 11. C. B. (N. S.) 633.

Two of these cases have an important bearing on the present inquiry, for in 1855 the Court of Exchequer (in Græme *v.* Wroughton) held that the system long in vogue in the Indian army of regimental subscriptions * given to a senior officer for the resignation of his commission was illegal, the officers also being guilty of a misdemeanor under the 4th section of the Act (p. 160), and the Court of Com. Bench in 1862 (Eyre *v.* Forbes) came (substantially) to the same conclusion.

II. In regard to the purchase system, the official acts of the Crown in former reigns have been those of a mediator between the officers in the old regiments retiring and succeeding to commissions. In new regiments the colonel before accepting his letter of service for raising the levies, made some specific arrangement as to his sale of commissions and the rights of the officers to half pay on reduction. The Crown, however, never engaged, either directly or indirectly, to guarantee to any officer in old or new regiments the return of any money even paid under regulation for his commission. Hence the purchasing officer, as such, had no pecuniary rights against the Crown, nor such a property in his commission that he could either assign or mortgage it in favor of a creditor.† Indeed, if this fundamental rule should ever be reversed, dismissals from the service will probably be followed by actions of law from the displaced officer or soldiers claiming damages, which hitherto they have failed to get, for the loss of property, as recent instances of such actions at law (see Dawkins *v.* Rokeby, 4 Los & Fir., 806, by an officer, and Freer *v.* Marshall, ib. p. 485, by a soldier.

What one officer was *compelled* to pay for the retirement of another, and to insure the regimental promotion at a sum not more than this regulation price, were objects kept in view in all the Royal Warrants issued* prior to 1809, but that a price fluctuating with many incidents (as of peace or war, and the probable service or command of the regiment), and in excess (more or less) of the regulation, has always existed in the army, is scarcely a subject of doubt, nor is it less certain that the Crown through its responsible servants was cognizant of it.†

This fact, present to the mind of the late Duke of Wellington in 1833 justified his statement "that three-"fourths of the officers of the army receive but little for "their service besides the honor of serving the crown."

Until the 49 Geo. 3. c. 126. was passed, the purchase system had never been expressly sanctioned by Parliament, and having regard to the terms used in the earlier sections of the Act to put down illicit transactions, it became essential to introduce the 7th and 8th to protect the admitted purchase system as it then existed under Royal Warrants. Hence therefore the purchases, sales, or exchanges of any commission at regulation prices, were exempted by these sections from the operation of the Act.

Further to preserve the regulation price from excess or addition, any officer paying a larger sum, and continuing in the army, was made liable on conviction thereof by a general court martial, to forfeit his commission, and to be cashiered, the value of such commission (under 500*l.*) being given as to one-half to the informer, and as to the other to such purpose as the Royal Warrants should direct. Any officer receiving such a sum and quitting the army was also liable to conviction by a civil court as a misdemeanor.

I am not aware that any conviction, either by a court-martial or civil court, has ever been sought for under section 8, which contained these provisions, or that any regulation or Royal Warrant was ever issued under the Act to direct the application of half of the forfeited commissions.

CHARLES M. CLODE.

June 13, 1870.

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* *See* Jameson's Code (1844), p. 776, and Ind. Off. Regt. (1867), pp. 771–2.

† Collyer *v.* Fallon, Tur. & Rus. 465.

* See Rule on p. 285 of Report on Naval and Military Promotion, 1840.

† 1769, Sept. 22: Lord Barrington's letter to General Gage [W. O. L. Bk. 189]. 1786 and 1791: Sir George Yonge's letters [L B., 1,003, p. 129 and 345.]

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